Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED AT THE

SEVENTH REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY

HELD AT HELENA, THE SEAT OF GOVERNMENT OF SAID STATE, COMMENCING JANUARY 7th, 1901, AND ENDING MARCH 7th, 1901.

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CERTIFICATE OF AUTHENTICATION.

STATE OF MONTANA, } ss.
SECRETARY'S OFFICE.

I, Geo. M. Hays, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws. resolutions and memorials that were passed at the Seventh regular Session of the Legislative Assembly ot said State, commencing January 7th, 1901. and ending March 7th, 1901, and held at Helena, the seat of government of said State, with the exception of corrections in orthography and punctuation, and omission or substitution words inserted in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at Helena, the seat of government of the said State of Montana, this twenty-third day of March, A. D. 1901.

[SEAL.]

GEO. M. HAYS,
Secretary of State.

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OFFICERS AND MEMBERS

OF THE

Seventh Legislative Assembly

Governor, JOSEPH K. TOOLE

Lieutenant Governor and President of the Senate, FRANK HIGGINS

Members of the Seventh Legislative Assembly of the State of Montana

SENATE

Name	Politics	County	Postoffice Address
Anderson, E. J	Rep	Meagher	White Sul. Spgs.
Biggs, W. M	Dem	Lewis and Clarke	Helena
Cullen, T. P	Dem	Dawson	Glendive
Conrow, J. M	Dem	Park	Livingston
* † Courtney, T. F	Dem	Silver Bow	Butte
* Clark, W. A	Dem	Madison	Virginia City
* Connolly, Jerry	Pop	Granite	Garnet
* Geiger, J. H	Rep	Flathead	Libby
* Gruwell, C. O	Dem	Yellowstone	Billings
Hoffman. C. W	Dem	Gallatin	Bozeman
* Hobson, S. S	Rep	Fergus	Utica
Kennedy, J. M	Dem	Deer Lodge	Anaconda
Kelly, J. N	Rep	Sweet Grass	Hunter's Hot Spgs.
McLean, Kenneth	Rep	Custer	Miles City
* Mitchell, S. L	Rep	Teton	Choteau
Meyer, W. F	Rep	Carbon	Red Lodge
* Mahon, A. W	Dem	Valley	Glasgow
* Myers, H. L	Dem	Ravalli	Hamilton
Murray, J. P	Dem	Beaverhead	Dillon
* Phillips, B. D	Rep	Choteau	Phillips
* Stanton, G. H	Dem	Cascade	Great Falls
* Tierney, W. E	Dem	Broadwater	Townsend
* Warner, D. G	Dem	Jefferson	Boulder
* Worden, Tyler	Rep	Missoula	Missoula

* Hold-over members elected in 1898. † Deceased. Whipple, C. A., Secretary.

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HOUSE

Name	Politics	County	Postoffice Address
* Corbett, F. E., Speaker	Dem	Silver Bow	Butte
Adkins, E. S	Dem	Madison	Pony
Axtell, F. B	Labor	Silver Bow	Butte
Baggs, G. T	Rep	Ravalli	Stevensville
Baker, John	Dem	Lewis and Clarke	Helena
Becker, E. S	Rep	Custer	Forsyth
Berkin, John	Dem	Jefferson	Boulder
Bielenberg, John N. W	Rep	Deer Lodge	Deer Lodge
Bourne, George B	Rep	Choteau	Hill
Brein, J. B	Dem	Jefferson	Basin
Brownlee Robert	Rep	Sweet Grass	Melville
Cannon, Lloyd	Dem	Broadwater	Winston
Connor, C. H	Labor	Cascade	Neihart
Connor, Aaron	Rep	Ravalli	Darby
Cram, H. L	Dem	Lewis and Clarke	Helena
Crawford, W. M	Labor	Missoula	Clinton
Dee, Martin, Jr	Labor	Silver Bow	Butte
Dixon, J. M	Rep	Missoula	Missoula
Donaldson, F. H	Dem	Lewis and Clarke	East Helena
Donlan, Edward	Rep	Missoula	Frenchtown
Faust, L. H	Rep	Flathead	Libby
Ferry, Barney	Pop	Silver Bow	Butte
Fine, B. J	Dem	Madison	Virginia City
Fitzpatrick, W. G	Dem	Flathead	Columbia Falls
Geary, Michael	Ind. Dem	Deer Lodge	Helmville
Gilchrist, M. P	Dem	Silver Bow	Butte
Godfrey, Nathan	Rep	Meagher	Two Dot
Gregory, C. H	Rep	Carbon	Gebo
Hartwig, W. J	Dem	Lewis and Clarke	Helena
Hedges, Wyllys A	Rep	Fergus	Yale
Hill, Emerson	Dem	Beaverhead	Red Rock
Jensen, S. R	Pop	Cascade	Great Falls
Jones, W. D	Rep	Teton	Dupuyer
Kilgallon, T. S	Dem	Silver Row	Butte
Lannin, Chas	Labor	Silver Bow	Butte
Lehman, Alexander B	Rep	Fergus	Lewistown
Lewney, Henry	Pop	Granite	Granite
MacGinnis, John	Dem	Silver Bow	Butte
Madden, John M	Ind. Dem	Deer Lodge	Anaconda
Martin, James E	Dem	Gallatin	Bozeman
McCone, George	Rep	Dawson	Tokna
McDonnell, J. E	Ind. Dem	Deer Lodge	Anaconda
McDonald, A. R	Dem	Jefferson	Whitehall
McIntyre, B. J	Rep	Flathead	Kalispell
McTague, Thos	Ind. Dem	Deer Lodge	Deer Lodge
Metlin, D. E	Dem	Beaverhead	Dillon
Meunier, Jos	Dem	Silver Bow	Butte
Murray, C. L	Rep	Meagher	White Sul. Spgs
Myers, B. F	Dem	Park	Livingston
Newbary, C. D	Rep	Custer	Ekalaka
Newton, W. C	Rep	Gallatin	Bozeman
Patterson, J. F	Rep	Choteau	Fort Benton
Pelletier, F. J	Labor	Silver Bow	Butte
Pendergrass, T. H	Labor	Missoula	Lo Lo
Quinn, J. J	Labor	Silver Bow	Butte
Richardson, Thos. F	Pop	Cascade	Great Falls
Roland, W. A	Rep	Gallatin	Logan
Rosman, A. B	Dem	Broadwater	Radersburg
Sanden, F. S	Pop	Lewis and Clarke	Helena
Shanley, Walter	Rep	Valley	Glasgow
Stull, Rev. G. C	Rep	Yellowstone	Billings
Sullivan, Timothy	Dem	Lewis and Clarke	Marysville
Sullivan, P. G	Pop	Silver Bow	Butte
Swindlehurst, T. M	Dem	Park	Livingston
Thoroughman, R. G	Dem	Cascade	Cascade
Toole, John R	Ind. Dem	Deer Lodge	Anaconda
Urquhart, John H	Dem	Lewis and Clarke	Helena
Ward, T. F	Dem	Granite	Garnet
White, Geo. F	Dem	Madison	Twin Bridges
Wood, Geo. R	Dem	Cascade	Great Falls

* Deceased. Roger E. Skelly, Chief Clerk.

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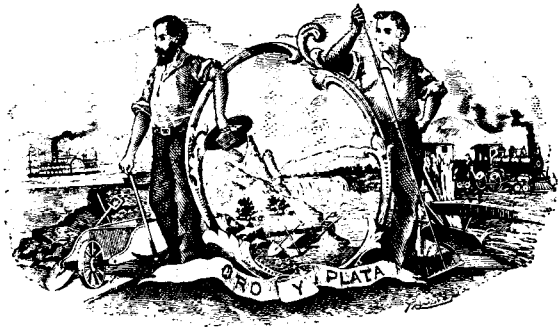

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GENERAL LAWS OF MONTANA

ENACTED BY THE

SEVENTH LEGISLATIVE ASSEMBLY

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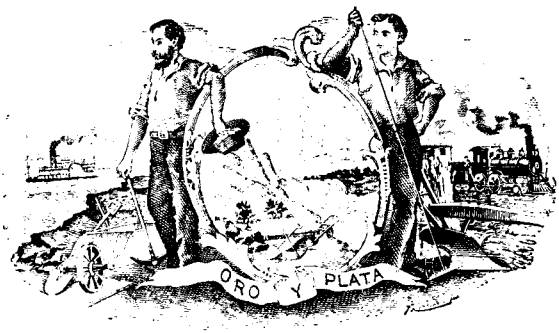

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GENERAL LAWS.

HOUSE BILL NO. 12.

An Act Entitled, "An Act to Authorize the Trustees of School Districts to Repay Moneys Borrowed and Used by such Trustees for Maintenance of Schools therein, and to Levy and Collect a Tax upon all the Taxable property in such Districts, or to issue and sell the Bonds of such Districts Therefor, as such Trustees shall deem Advisable."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That whenever, before the passage of this Act, any enactment of the Legislative Assembly of this State authorizing the levy of a tax upon the taxable property in any school district for the maintenance of schools therein, has been found to be inoperative, and for that reason a tax levied in any such district was uncollectable, and the trustees of said district, for the purpose of maintaining the schools thereof, have been compelled to borrow and have borrowed and used, moneys in lieu of the moneys expected to accrue from the collection of such tax, the said trustees shall be empowered to raise money to repay, and to repay, such loans, with interest thereon, from the date thereof until paid, at the rate of six per cent, per annum, by levying a tax therefor upon all the taxable property in said district in the manner provided in the following sections:

Section 2. That if the trustee of any school district, under the circumstances mentioned in Section I, of this Act shall determine to repay the moneys borrowed and used for the purpose mentioned in said Section I, they shall ascertain the amount to be levied by finding the amount of the principal of such loans and interest at six per cent per annum from the date thereof to December 15th of the year in which such levy shall be made, that being the time when the tax will properly be collected, and shall, on or before the day when the county commissioners are required by law to make the annual tax levy, make and file with the County Clerk of the county in which such school

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district shall be situated, their certificate, which shall be signed by a majority of such trustees, setting forth therein the amount to be raised as aforesaid, and requesting the County Commissioners to levy the amount named in said certificate as a special tax upon all the taxable property in said school district. The valuation of the property in said district as the same appears upon the assessment roll of said county for the year for which the levy shall be made, shall be the basis for the assessment of such tax. It shall be the duty of the County Commissioners at the time the annual tax levy is made, to levy the sum named in said certificate as a special tax upon all of the taxable property in said district, and the duty of the County Clerk to spread said tax upon the said assessment roll against all of said property in the same manner as other taxes are spread upon said roll, and said tax being so assessed shall become a lien upon said property and be collected in the same manner as other taxes for school purposes are collected.

Section 3. That when the tax mentioned in the preceding sections, has been collected, or any part thereof, the County Treasurer shall place the same to the credit of said school district in a fund separate from all other funds of said district, and the moneys in such fund shall be forthwith paid out by the trustees to the persons and corporations to whom the same are payable, and until the debt for the payment of which such moneys were raised have been paid, no part of such funds shall be used for any other purpose. If from failure to collect the entire amount of such tax, or from any other cause, there shall not be moneys sufficient in said fund to pay the amount of principal and interest of the sums borrowed, the trustees shall pay the amount of such deficiency from the general fund to the credit of said district, and if, after paying all of the debts payable out of such special fund, a balance shall remain therein, such balance shall be transferred to the general fund of said district.

Section 4. If the trustees of any school district mentioned in this Act shall determine that it would not be for the best interest of said district to raise in any one year the moneys mentioned in Section I of this Act by levying and collecting a tax therefor as in the preceding sections provided, they shall nevertheless be authorized and empowered to raise such moneys by issuing and selling the bonds of said district in an amount sufficient to repay, and to repay, such moneys with interest thereon at six per cent. per annum. If the said trustees shall determine to issue the bonds of said district for the purpose aforesaid, they shall ascertain the amount of said bonds by finding

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the amount of principal and interest of the loans to be repaid at six per cent. per annum from the date thereof until the time when said bonds will probably be sold as hereinafter provided. They shall then issue the bonds of such district to the amount so ascertained which bonds shall draw interest at a rate not to exceed six per cent. per annum, payable either annually or semi-annually as the trustees shall determine, and each of said bonds shall be for the sum of One Hundred Dollars or multiples thereof and shall run for such length of time as the said trustees shall determine, not exceeding a period of ten years from the date thereof; said bonds shall be in such form as the board of trustees may direct, and shall bear the signature of the chairman of the board of trustees, and shall be signed by the clerk as clerk of said school district, and the coupons attached to said bonds shall be signed by said chairman and said clerk; provided that lithographic or engraved fac-similes of the signatures of the chairman and clerk may be affixed to coupons only when so recited in the bond, and each bond so issued shall be registered by the county treasurer in a book provided for that purpose which shall show the number and amount of each bond and the person to whom the same is issued or sold, and said bonds shall be sold and the proceeds thereof deposited with the county treasurer in the manner provided by the provisions of Section 1963 of the Political Code of this State, and paid out by the trustees to the persons and corporations to whom the loans for the payment of which such bonds were issued are payable.

Section 5. All of the powers conferred and duties enjoined upon school trustees and county commissioners by Sections 1965, 1966, 1967, 1968 and 1969 of the Political Code of this State and any amendments thereof for raising money to pay the interest on, and to provide, and for the care and management of, a sinking fund for the redemption and payment of bonds issued by school districts under the provisions of existing laws are hereby conferred and enjoined upon school trustees and county commissioners respectively with respect to all bonds issued under the provisions of this act as fully and completely to all intents and purposes as though the above named sections were incorporated in and made a part of this Act.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 19th. 1901.

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SENATE BILL NO. 37.

An Act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 19, and to repeal sections 21 and 22 of Substitute for House Bill No. 69, an act to establish County Free High Schools and to provide for their maintenance, Approved March 3, 1899 and to re-number certain sections of said Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2 of substitute for House Bill No. 69, An Act to establish County Free High Schools and to provide for their maintenance approved March 3, 1899 be amended so as to read as follows:

Section 2. Whenever one hundred free holders in any county shall petition the Board of County Commissioners requesting that a County High School be established in their county at a place in said petition named the Board shall give twenty days notice by publication in the official paper of the county that the question will be submitted to the electors of said county at a designated time whether such County High School shall be established. Any number of places may be candidates for the location of said school through the presentation of petitions hereinbefore set forth but no elector shall append his name to more than one petition. Said petitions shall be so presented as to time that all places desiring to become candidates for the location of said High School shall be voted for at the same election. The notice shall distinctly specify the places which are candidates in the forthcoming election. The qualified electors shall vote by ballot for or against the establishment of a High School at the place or places named as candidates. The ballot shall indicate the sentiment of the voter in favor of or against the establishment of the High School at a place named whose candidacy has been regularly declared. The ballot may be in the following form: "For a County High School at ————" if the voter favors the establishment of the County Free High School.

If the voter however opposes its establishment the ballot may be substantially in the following form: "Against establishing a County Free High School at ————"

Section 2. That section 3 of said Act be amended [so as] to read as follows:

Section 3. The election shall be conducted in all respects the same as the election of school trustees except that the County Commissioners

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shall call the election and that there shall be no registration of voters required or printed ballots furnished. The Boards of School Trustees in the several school districts in the county shall be notified by the County Commissioners of the holding of said election immediately after making publication of notice provided for in Section 2 of this Act. The Boards of School Trustees as in the case of elections for school trustees, shall appoint judges of election for the several school districts and voting precincts, who shall officiate at said election. After election the ballots on said question shall be canvassed in the same manner as in the case of school trustees except that the judges of election in the different districts and precincts shall forward the returns to the County Clerk and Recorder of the County to be canvassed and the result determined by the Board of County Commissioners. The work of canvassing the returns shall be expeditiously done, and if for any reason delay should occur in forwarding the returns from the different precincts and districts in the county, or from any of them, the Board of County Commissioners must take steps to see that the delayed returns are promptly forwarded.

A plurality vote, when more than one candidate is voted for in favor of the establishment of such County High School, will be deemed sufficient. If only one place is voted for a majority vote favoring the proposition will be required. If the election results in favor of establishing such High School the County Commissioners by an order duly entered on their minutes shall so declare this fact and the Clerk of the Board shall immediately thereafter notify the County Superintendent of schools, who shall promptly proceed to appoint six persons residents and tax payers of the county, three of whom shall be residents of the township where the school is located, who shall with the County Superintendent constitute a Board of Trustees for said school. Each of said trustees appointed as aforesaid shall hold office until his or her successor is appointed and qualified and shall be required within ten days after appointment to qualify by taking the usual oath of office and by giving such bond as may be required by the County Superintendent of Schools for the faithful discharge of (his or her) duties.

Section 3. That section 4 of said Act be amended so as to read as follows:

Section 4. The term of office of said trustees shall be two years. Those first appointed under the provisions of this Act shall be divided into two classes of three each, the term of those in the first class shall

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expire one year from the third Saturday in April following their appointment and the term of those in the second class shall expire two years from the third Saturday in April following their appointment. The County Superintendent shall appoint trustees in the place of those whose terms expire, or in the case of vacancies. The appointment in case of a vacancy shall be for the balance of the term. Provided that at all times in the membership of said Board three of the trustees shall be residents of the township in which the County Free High School is located. The Board shall be governed in the matter of meetings and procedure by the provisions of the general school laws of the State whenever applicable.

Section 4. That section 6 of said Act be amended so as to read as follows:

Section 6. At their first meeting in each year the trustees shall choose from their number a president and secretary who shall hold office for one year or until their successors are appointed and qualified. The County Treasurer of the county shall officiate as treasurer and shall be the custodian of all funds available for school purposes under the provisions of this Act. Payments shall be made by said treasurer upon warrants drawn against said funds duly signed by the president and secretary. The trustees shall have authority to make all necessary rules for their government not inconsistent with law.

Section 5. That Section 8 of said Act be amended so as to read as follows:

Section 8. The Board of County Free High School Trustees whenever a majority of the Board shall so decide may submit to the electors of the county the question whether the Board shall issue bonds for the purchase or erection of a building for High School purposes and the equipment thereof, and for a suitable site therefor, provided that no county shall be bonded for the above purpose in an amount to exceed one hundred thousand dollars. And provided such bonds may run for a term of twenty years or less but not longer, and provided any such issue of bonds shall not increase the indebtedness of any county beyond the maximum limit fixed by the State Constitution. Said election shall be held in the manner prescribed in this Act for the submission of the question of the establishment and location of a County Free High School except that the Board of High School Trustees shall officiate in place of the Board of County Commissioners in the giving of notices for, and in determining the result of said election. The ballots shall be in form as follows: "Shall bonds be

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issued and sold to the amount of ———— thousand dollars, bearing ——— per cent interest, for the purpose of purchasing a school lot and building a school house thereon and to equip [the] same.

Bonds. Yes.

Bonds. No.

The ballots herein provided for shall be printed and furnished in sufficient quantities at the different polling places for the use of the electors by the Board of High School Trustees. The elector shall prepare his ballot by crossing out thereon parts of the ballot in such a manner that the remaining part shall express his vote upon the question submitted. If a majority of the votes cast at such election are "Bonds, Yes" the Board of High School Trustees shall issue such bonds in such form as the Board may direct and shall bear the signature of the president and secretary of said Board. The coupons attached to the bonds shall be signed in the same manner, provided lithographic or engraved fac-simile of the signatures of the president and secretary may be affixed to coupons only when so recited in the bonds. Each bond so issued shall be registered by the County Treasurer in a book provided for that purpose which shall show the number and amount of each bond and the person to whom the same is issued, said bonds shall be sold by said trustees in the manner provided for the sale of school district bonds and the moneys arising from the sale shall be paid into the Treasury of the County to the credit of the County Free High School.

The faith of the county is solemnly pledged for the payment of the interest and the redemption of the principal of the bonds issued under the provisions of this Act and for the purpose of enforcing the provisions of this Act the Board of Free High School Trustees shall be a body corporate which may sue and be sued, by or in the name of the Board of Free High School Trustees of the County where such High School exists.

The County Commissioners at the time of making the levy of taxes for county purposes must levy a tax for that year upon the taxable property in the county for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such proportion of the principal as is to become due during such year, and in any event must be high enough to raise annually for the first half of the term a sufficient sum to pay the interest thereon and during the balance of the term, [and] high enough to pay such annual interest and to pay annually a

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portion of the principal of said bond equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds have to run; and all moneys so levied when collected must be paid into the County Treasury to the credit of the County Free High School kept in a separate fund and be used for the payment of principal and interest on said bonds and for no other purpose, provided, however that the accumulated money may be invested as is provided for the investment of money collected for the payment of school district bonds.

Section 6. That section 11 of said Act be amended so as to read as follows:

Section 11. The tax provided for by section 7 of this Act shall be levied and collected in the same manner as other county taxes and when collected the county treasurer shall place the same to the credit of the County Free High School.

Section 7. That section 12 of said Act be amended so as to read as follows:

Section 12. The said Board of High School Trustees shall keep a record of all the official Acts done by said Board and shall keep a full record of all warrants issued against moneys belonging to said County Free High School. Payments of money can only be made upon warrants drawn against funds belonging to said High School and the warrants so drawn must specify on their face the purposes for which the funds called for by the warrants are used.

Section 8. That Section 13 of said Act be amended so as to read as follows:

Section 13: The said Board of Trustees shall proceed as soon as practicable after their appointment and qualification to select at the place designated as the location for the County High School the best site that can be obtained and the title thereto upon procuring said site by purchase or otherwise shall vest in the county; the trustees shall then proceed to make purchase of material and to let such contracts for necessary school buildings as they may deem proper. They shall not however make any purchase or enter into any contract whereby obligations are assumed in excess of the amount of funds on hand or available through the levy of taxes or the issuance of bonds for the current year. The trustees may at their discretion lease suitable buildings for the use of the High School while new buildings are in process or [of] erection or may contract with the trustees of the local school district or with other parties for the use of suitable build-

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ings for High School purposes for such time as may be deemed best for the interests of the county.

Section 9. That section 14 of said Act be amended so as to read as follows:

Section 14. After suitable buildings are secured as hereinbefore provided for the carrying on of the County Free High School the Trustees shall employ some suitable person to take charge of said school who shall be known as the principal of said school who shall possess such qualifications as are now required to be possessed by the City Superintendent of schools except that said principal shall only be required to possess five years experience in teaching; and the trustees shall furnish such assistant teachers as they may deem necessary and shall designate the salaries which shall be paid to said principal and assistant teachers.

Section 10. That section 16 of said Act be amended so as to read as follows:

Section 16. There shall be provided such Courses of study as will properly fit the student attending said High School for admission to the collegiate class of any of the State Educational Institutions and such courses of study shall contain the work now provided for accredited High School by the State Board of Education.

Section 11. That Section 17 of said Act be amended so as to read as follows:

Section 17. Tuition shall be free to all pupils residing in the county where the school is located. The Board of Trustees shall make such general rules and regulations as they deem proper in regard to age and grade of attainments essential to entitle pupils to admission to such school: provided that no person shall be admitted to such High School who shall not have passed a satisfactory examination or who does not hold an eighth grade common school certificate. If there should be more applicants than can be accommodated at any one time each district shall be entitled to send its equal number of pupils according to the number of pupils it may have as shown by the last report to the County Superintendent of Public Schools; and the Boards of the respective school districts shall designate such pupils as may attend subject to the proviso above.

Section 12. That Section 19 of said Act be amended so as to read as follows:

Section 19. The trustees who do not reside at the place where said High School is established are entitled to mileage in attending the

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meetings of the Board. The trustees of said High School shall serve without compensation and the Board shall make such reports from time to time as the County Superintendent of Schools or the State Superintendent of Public Instruction may require.

Section 13. That sections 21 and 22 of said Act be and the same are hereby appealed [repealed.]

Section 14. That sections 23 and 24 of said Act be numbered respectively Sections 21 and 22.

Section 15. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 16. This Act shall take effect from and after the date of its passage and approval.

Approved March 14th. 1901.

HOUSE BILL NO. 191.

A Bill for an act, Entitled, "An Act to Amend Sections 1940A and 1940B. of the Political Code of Montana as Enacted by the Fifth Legislative Assembly of the State of Montana Through Senate Bill No. 44. Approved March 8th, 1897, in reference to general and special taxes for school purposes, and to repeal Section 1941 of the Political Code of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1940A of the Political Code of Montana, as enacted by the Fifth Legislative Assembly Through Senate Bill No. 44, approved March 8th, 1897, be amended so as to read as follows:

Section 1940A. In addition to the provisions for the support of common schools hereinbefore provided, it shall be the duty of the County Commissioners of each County in the State to levy an annual tax of two mills on the dollar of the assessed value of all taxable property, real and personal, within the County, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, which tax shall be collected by the County Treasurer at the same time and in the same manner as State and County taxes are collected. For the further support of the common schools there shall also be set apart by the County Treasurer all moneys paid into the County Treasury arising from all fines or violations of law unless otherwise specified by law. Such moneys shall be forth-

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with paid into the County Treasury by the officer receiving the same, and be added to the yearly school fund raised by tax in each county and divided in the same manner.

Section 2. That section 1940B. of the political Code of Montana, as enacted by the Fifth Legislative Assembly Through Senate Bill No. 44, approved March 8th., 1897, be amended so as to read as follows: Section 1940B. On or before the day designated by law for the Commissioners of each County to levy the requisite taxes for the then ensuing year the school board in each school district shall certify to the County Commissioners the number of mills per dollar which it is necessary to levy on the taxable property of the district, not to exceed five mills, to raise a special fund to maintain the schools of said districts, to furnish additional school facilities therefor, and to furnish such appliances and apparatus as may be needed, and the County Commissioners shall cause the same to be levied at the same time that other taxes are levied, and the amount of such special tax shall be assessed to each taxpayer of such district and shall be placed in a separate column of the tax book which shall be headed "Special School Tax." There shall also be a column in said tax book, in which shall shall be designated the number of the school district in which the property is listed. This tax when collected shall be placed to the credit of the proper district, and shall be subject to the order of the district board.

Section 3. That section 1941 of the Political Code be and the same is hereby repealed.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 5. This act shall take effect and be in force from and after its passage.

Approved March 9th. 1901.

SENATE BILL NO. 83.

An Act to provide and regulate the form of ballots and method of voting, in voting upon propositions of bonded indebtedness, submitted to the electors of counties.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That hereafter whenever, in due course of law, in the manner and form required by law and according to the provisions and

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requirements of law, any question or proposition of or relating to bonded indebtedness, or of issuing bonds or of refunding, increasing or creating a bonded indebtedness, is submitted, ordered submitted or to be submitted to the electors of any county, at a general or other election, when, at the same time, candidates for national, state or county office or offices or (are) to be voted upon or for, by the qualified electors of such county, such question or proposition, relating to bonds or bonded indebtedness, shall not be placed or printed upon the official ballots furnished electors at such election for the purpose of voting for candidates for any office or offices and containing the names of candidates for office or offices to be voted for at such election; but the county commissioners shall authorize and the county clerk shall have printed and furnished to election judges and officials, in each voting precinct of such county, separate ballots therefor, equal in number to the official ballots so furnished and containing the names of such candidates for office. Said separate ballots shall be white in color and of convenient size, being only large enough to contain the printing herein required to be done and placed thereon, and shall have printed thereon in fair sized, legible type and black ink, in one line, or more, as required, the words "For" said bonding proposition (stating it and the terms thereof explicitly and at length) and thereunder the words "Against" said bonding proposition (Stating it and the terms thereof explicitly and at length, in like manner, as above); and there shall be before the word "For" and before the word "Against," each, a square space of sufficient size to place a plain cross or X therein and such arrangement shall be in this manner:

For (stating propositions.)
Against (stating propositions.)

Such separate ballots shall be kept, stamped, given out, received, counted, returned and disposed of by election judges in like manner as other official ballots herein referred to. Each qualified elector, offering to vote and permitted to vote, shall, at the time he is offered by the election judges an official ballot bearing the names of candidates for office, be handed one of the separate ballots above described and he may then and there, in a booth, as provided by law, and not otherwise, vote on such separate ballot for or against said proposition by placing a cross or X before the word "for" or the word "against," in the vacant square provided therefor; and such separate ballot shall be returned to

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the election judges by the voter, with said other official ballot, if the voter chooses to vote for candidates for office and is entitled to do so. The election judges shall deposit said separate ballot on the bonding proposition, separate from the voter's other official ballot, in the ballot box.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force from and after its approval by the Governor.

Approved March 14th. 1901.

HOUSE BILL NO. 77.

An Act Entitled An Act to Authorize and Provide for the Investment of the Permanent School Fund, Permanent University Fund and Other Land Grant Funds, Held by the State Treasurer of the State of Montana, and to Authorize the State Treasurer, with the Advice and Consent of the State Board of Land Commissioners, to make Such Investments."

Be It Enacted By The Legislative Assembly Of The State Of Montana:

Section 1. That the permanent school fund, the permanent university fund and other land grant funds, held by the State Treasurer, shall be invested as far as possible in public securities within the State, under the direction of the State Board of Land Commissioners.

Section 2. Before offering for sale any bonds issued by any county, city or school district in Montana, notice of such issue and the amount thereof shall be given to the State Treasurer by the county, city or school district officers in charge of such bond issue, and said Treasurer, upon the advice and consent of said Board of Land Commissioners, shall have the perferential [preferential] right to purchase and pay for all or any number of said bonds, out of the permanent school fund, or other trust funds in his control at their par value. After receiving such notice the State Treasurer shall immediately present the same to the State Board of Land Commissioners, when they shall determine, whether or not, to purchase such bonds, or any number of them, and said State Treasurer shall immediately thereafter give notice to the proper county, city or school district officers of the decision, which decision shall be binding upon the officers charged with the execution of such

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bonds. If the State Treasurer upon the recommendation of the State Board of Land Commissioners determines not to make such purchase, or to purchase only a part of such issue, then the officers in charge of the execution of such bonds shall proceed to advertise and sell said bonds or such number of said bonds as said Treasurer and State Board of Land Commissioners elects not to purchase, in the manner now provided by law.

Section 3. There shall be presented to the State Treasurer, at the time of the giving of the notice of such issue of bonds, full and complete proof of the proceedings and actions taken with reference to the issuance of said bonds, with the opinion of the County Attorney, showing the regularity and legality thereof, together with a certificate showing the amount of the taxable property and the amount of the indebtedness against such county, city, town or school district, and other information required by said State Treasurer.

Section 4. Any bonds purchased by said State Treasurer may be made payable in any number of years, not less than one, and due in any number of years, not to exceed twenty, and any such bonds purchased by said State Treasurer may be written or printed, with or without coupons, and the denomination may be in such amount not exceeding ten thousand dollars as may be agreed upon by the parties and the interest shall not be less than five per cent per annum.

Section 5. When any such bond or bonds are duly executed and delivered to the State Treasurer, the Board of Land Commissioners shall certify the same to the State Board of Examiners who shall order and direct the State Auditor to draw his warrant upon the State Treasurer for the amount thereof, specifying the fund out of which the same is payable, in favor of the County Treasurer of the County or School District issuing such bonds, or the City Treasurer of the city issuing such bonds, and said county or city treasurer, as the case may be, upon the payment thereof shall place the same to the credit of the fund for which the same was borrowed and the County Clerk, City Clerk, or School District Clerk, as the case may be, shall be immediately notified that such funds are in the treasury and available for the purposes for which the same were borrowed.

Section 6. All bonds and securities purchased under the provisions of this Act or now in the hands of the State Treasurer shall be subject to the sale and disposition at any time under the order and direction of the State Board of Land Commissioners, when such Board upon the recommendation of the State Treasurer shall deem it ad-

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visable to make such sale and disposition thereof and the proceeds of such sale shall be divided; the principal to the permanent fund and the interest and other profits to the income fund of the grant or fund from which the investment was made and the principal may be re-invested in such bonds or public securities as may be recommended by the State Board of Land Commissioners and State Treasurer.

Section 7. It shall be mandatory upon the officers in charge of State, county and municipal and school district bond sales to first offer the same to the State Treasurer for the investment of the school and land grant fund, and any failure to comply herewith shall be deemed a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars and the County Attorney of the proper county must prosecute said officer upon the request of the State Board of Land Commissioners.

Section 8. This Act shall take effect and be in force from and after its passage.

Approved March 16th. 1901.

HOUSE BILL NO. 82.

An Act to provide for the investment of the University Bond Fund in Proper securities.

Be it enacted by the Legislative Assembly of the State of Montana

Sec. 1. Wenever [whenever] in the opinion of the State Board of Land Commissioners any part of the University Bond Fund created by the Act entitled An Act to provide for the erection Completion Furnishing and Equipment of Buildings for the University of Montana, Approved March 4, 1897, may be safely invested in any good public securities at an interest of not less than four per centum per annum and the revenue derived from the sources named in said Act and the Amount said Board may reserve in said Fund will in its opinion be sufficient to pay interest on the bonds provided for in in said Act and the interest on the bonds provided for in any other Act of the Legislative Assembly of Montana said Board is hereby authorized so to do. In making bids or offers to invest said fund in such securities the said Board may conduct its proceedings in the same manner as private persons seeking investment therein and if the Character of the securities will in its judgment warrant offer a premium therefor. The securities

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purchased shall become payable before or at the date the first issue of said bonds become payable out of said University Bond Fund. The revenue so received and said securities shall constitute a part of said Bond Fund.

Sec. 2. This Act shall take effect and be in force from and after the approval thereof by the Governor.

Approved March 16th. 1901.

SENATE BILL NO. 71.

An Act for the establishment of a Uniform System of Road Government and Administration in the Counties of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

ARTICLE I.

Section 1. Every road district must be designated by the style of ———— road district, (using the name of the district) of ———— county (using the name of the county in which said district is situated;) and in that name the district may sue and be sued, and hold and convey property for the use and benefit of such district. All road districts now existing in any of the counties of this state are hereby recognized and continued in existence, but the same may be hereafter changed as herein this act provided; and it is hereby made the duty of the boards of county commissioners in the several counties of this state in which road districts do not now exist to subdivide such counties into road districts as by law now provided, immediately after this act takes effect, and whether any petition therefor is presented by freeholders or not; that for the purpose of carrying this act into effect the board of County Commissioners at its June session must divide the county into road districts and must appoint three trustees for each road district in their respective counties, which said road trustees shall hold office until the first day of May, 1902, or until their successors are elected and qualified, and shall take the same oath and give the same bond, and shall be subject to the same duties and liabilities as herein prescribed for regularly elected trustees.

No city or incorporated town shall be subdivided into road districts, nor included within any road districts, but the streets and highways thereof shall be laid out and maintained by and be under the jurisdiction of the municipal authorities thereof, as is now or may hereafter be provided by law.

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Section 2. No new road district shall be formed in any county at any other time than between the first day of October and the first day of March next succeeding, nor at any time unless one-fourth of the freeholders, residents of such proposed new district, present a petition to the board of County Commissioners of the county setting forth the boundaries of the proposed new district, and asking that the same be established as a road district; provided, that new road districts may be established at any time between the date when this act shall take effect, and the first day of March 1902, upon the petition of one-fourth of the freeholders, residents of such proposed new districts, presented to the board of County Commissioners of the county, setting forth the boundaries of such proposed new district, and asking that the same be established as a road district.

Section 3. The boundaries of a road district or road districts may be changed only between the first day of October and the first day of March of the year next succeeding, and then only upon petition by at least one-fourth of the freeholders residing in each district affected by the proposed change of boundary or boundaries to the board of County Commissioners of the county, setting forth the proposed change of boundary or boundaries and the reason therefor; provided, that two or more road districts lying contiguous may at any time be united into one road district, whenever a petition signed by [a] majority of the freeholders residing in each of such districts shall be presented to the board of County Commissioners of the county, asking that such road districts be so united.

Section 4. Whenever a petition is filed with a board of County Commissioners, as in this act provided, asking for the formation of a new district, such board shall, if in session, or if not in session, then at its next regular meeting, fix a day for hearing the same, and must give notice of the time and place of such hearing by causing notices thereof to be posted within the boundaries of such proposed new districts as follows: One such notice shall be posted in a conspicuous place at each school house, if any, in such proposed new district and one of such notices shall be posted in a conspicuous place at each post-office, if any, in such proposed new district; provided, that such notice shall be posted in at least three conspicuous places in such proposed new district; and provided further, that if such proposed new district is to be formed out of the territory of any existing district or districts, the clerk of the board of County Commissioners shall send, by registered mail, a copy of such notice to each trustee of each road district

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in which is contained the whole or any part of the territory that is to compose such proposed new district.

Section 5. Whenever a petition is presented to the board of County Commissioners of any county asking for the uniting of two or more existing districts into one district, as in this act provided, such board of County Commissioners shall, if in session, or if not in session, then at its next regular meeting, fix a day for hearing the same, and must give notice of the time and place of such hearing by causing notices thereof to be posted in at least three public places in each of the districts sought to be united, one of which said notices shall be posted in a conspicuous place at each school house, if any, in each of such districts, and one of said notices shall be posted in a conspicuous place at each postoffice, if any, in each of such districts; and such board shall further require the clerk thereof to send, by registered mail, a copy of such notice to each of the trustees of each of the districts so sought to be united into one district.

Section 6. Whenever a petition is presented to the board of County Commissioners of any county, asking for a change in the boundaries in any district or districts, as in this act provided, the board of County Commissioners shall, if in session, or if not in session, then at its next regular meeting, fix a day for the hearing of the same and must give notice of the time and place of such hearing by causing notices thereof to be posted in at least three public places in each of the districts affected by the proposed change of boundaries, one of which notices shall be posted in a conspicuous place at each school house, if any, and one of which such notices shall be posted in a conspicuous place at each postoffice if any, in each of the districts affected by the proposed change of boundaries; and such board shall further require the clerk thereof to send, by registered mail, a copy of such notice to each of the trustees of each of the districts affected by such proposed change of boundaries.

Section 7. The notice required by this act to be given of the hearing of the petitions for the formation of any new district, or for the uniting of two or more road districts into one district, or for the change in the boundaries of any district or districts, shall contain a statement of the time and place when and where such petitions shall be heard and a brief and substantial statement of the boundaries of any proposed new district, or of the change of boundaries of any existing district or districts; provided; that when the petition is for the uniting of two or more districts into one, in lieu of the statement of the boundaries

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thereof, it shall be sufficient to state the names of the districts so proposed to be united. Such notices as are required hereby to be posted shall be posted for at least three weeks prior to the date in such notices stated for the hearing, and such notices as are required to be sent by registered mail, shall be so mailed at least three weeks prior to the date therein fixed for the hearing of the petitions therein named.

Section 8. The board of County Commissioners must, on the day fixed for the hearing of any petition for the formation of a new district, or for the uniting of two or more districts into one district, or for the change in the boundaries of any existing district of districts, or on any subsequent day to which any such petition may be postponed or continued, hear the evidence and act upon such petition. If the board, after such hearing, establishes a new district, or grants changes in the boundaries of any existing district or districts, it may do so in accordance with the original prayer of the petition, or by making such modifications as may by it be deemed proper or wise, after a full and fair hearing of the matter; but a petition for uniting two or more districts must be granted without modification, or must be denied.

ARTICLE 2.

Section 9. An election for road trustees shall be held in each road district on the first Saturday of April of each year, at a place or places in each district to be designated by its board of road trustees.

1. The number of road trustees for each road district shall be three. Each road trustee shall receive, as full compensation for the services required of him by law or by virtue of his office twenty-five dollars per annum to be allowed by the board of County Commissioners, and paid out of the contingent fund of the county; providing, that neither the whole nor any part of such compensation shall be allowed or paid until the report required by subdivision six of section nineteen of this act shall have been filed with and approved by the board of County Commissioners.

2. In the new road districts the road trustees shall be elected on the first Saturday in April subsequent to the formation of the district, to hold office for one, two, and three years, respectively, from and after the first day of May next succeeding their election.

3. When a vacancy occurs from any cause the board of Commissioners shall appoint a suitable person to fill such vacancy until the first day of May next succeeding such appointment. A trustee shall

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be elected at the next April election to fill such vacancy, and to hold office for the remainder of the term.

4. Except as provided in subdivisions two and three of this section, one trustee shall be elected annually for a term of three years, or until his successor is elected or appointed and qualified.

Section 10. Not less than ten days before the election required to be held under section nine of this act, the trustees of each road district must post notices in at least three public places therein, which notices must specify the time and place of election, and the hours during which the polls will be kept open. One of such notices must be posted in a conspicuous place at each school house, if any, and in a conspicuous place at each postoffice, if any, in such road district. If the road trustees of any district have failed, until within five days prior to the date for holding such election, to post the notices thereof, as aforesaid, then any three electors of such road district may give notice as herein provided.

Section 11. The road trustee in each district must appoint one clerk and two judges of election; if none are so appointed, or if those appointed are not present at the time for opening the polls, the electors present shall appoint them, and they shall conduct the election with like effect. The polls must be opened at 9 o'clock a. m. and must be kept open until 5 o'clock p. m. of the day of election.

Section 12. Every qualified elector of the county, who has resided in the district thirty days next preceding the election and whose name is on some registry list of the county, may vote at such election. The voting must be by ballot (without reference to the general election law in regard to nominations, form of ballot, or manner of voting), which shall be handed by the elector voting to the clerk, who shall then, in the presence of the elector, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll lists.

Section 13. Any person offering to vote may be challenged by any voter of the district, and the judges of election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this state one year, in this county ninety days, and in this road district thirty days next preceding this election, that your name is on some registered list of the county, and that you have not before voted this day." If he takes the oath prescribed in this section his vote must be received, otherwise his vote must be rejected.

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Section 14. A poll and tally list must be kept and returned to the board of trustees of the road district.

Section 15. The officers of the election must publically [publicly] canvass the votes immediately after closing the polls, and make, sign, and deliver certificates of election to the person or persons elected, which certificate must, with the oath of office [of] the person so elected attached, within ten days be forwarded to the clerk of the board of commissioners of the county, and filed by him in his office. The clerk and judges of election are hereby authorized and empowered to administer the oath of office on election day only, to any person receiving a certificate of election as road trustee.

Each road trustee shall, within ten days after his election or appointment, and before entering upon the duties of his office, file with the board of County Commissioners a good and sufficient bond in the sum of ten hundred dollars, conditioned according to law, and shall take and subscribe to the oath provided by the constitution of the State of Montana for all persons appointed or elected to office.

ARTICLE III.

Section 16. Except when otherwise authorized by law, ever [every] road district shall be under the control of a board of road trustees consisting of three members, who shall be resident, property taxpayers of the district.

Section 17. The term of office of road trustees is three years from the first day of May next succeeding their election.

Section 18. When a new district is organized, such of the trustees of the old district as reside within the boundaries of the new shall be trustees of the new district until the expiration of the time for which they were elected. Vacancies in the office of trustee in a new district shall be filled as are other vacancies. No person shall be appointed to fill any vacancy except upon petition signed by at least ten electors of the district; provided, that a vacancy may be filled in any case upon petition signed by a majority of the electors of the district.

Section 19. The powers and duties of road trustees are as follows:

1. To prescribe and enforce rules not inconsistent with the constitution and laws of this state for their own government and the government of their district, and to transact their business at regular meetings, or at special meetings called for the purpose; provided, that

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notice of the time, place and purpose of the holding of such special meetings shall be given to each road trustee long enough prior to the holding of the same to enable him to attend thereon.

2. To manage and control the property belonging to or in use in their district and the district roads of their district, and to pay all moneys collected by them, or under their authority, from any source whatever, for road district purposes, into the county treasury, to be placed to the credit of the road fund of their district.

3. To purchase such implements and materials, employ such labor and make contracts for the doing of such work as may be necessary in the construction, repair, and maintaining of the roads in their district; but any contracts made in any fiscal year by boards of road trustees for the employment of labor, or for the purchasing of materials, or for any other purpose which would require the expenditure of money in excess of the funds available to the district for such fiscal year, shall, to the extent of such excess, be null and void, and shall never be made, or become, or be the foundation of any claim or demand against such district.

4. To do and perform all acts and things in relation to which the electors of their district are authorized by this act to instruct them, when thereto so instructed.

5. To make in the name of the district, conveyances of property belonging to it, and to appoint one or more of their number to collect road poll tax in their district, and to pay him therefor, not exceeding ten per cent of the amount so collected; provided, that any person subject to the payment of road poll tax in any district may, in lieu thereof, work on the roads in such district at the rate of two dollars per day of eight hours, until he shall have worked out such road poll tax; and provided further, that no person shall be entitled to work out his road poll tax, in lieu of paying the same, who shall refuse to do so after three days' notice from the clerk of the board of road trustees. Eight hours labor, in the meaning of this act, shall be eight hours actual labor upon the roads or highways, exclusive of the time consumed in going to and from such labor; and the duties imposed upon the assessor by an act of the Sixth Legislative Assembly entitled "An act to repeal section twenty-six forty, twenty-six forty-two, twenty-six forty-three, and twenty-six eighty as amended of House Bill No. 280 of the Fifth Legislative Assembly of Montana, relating to the levy, collection, and disposition of road tax, and to provide for the collection of a special road tax." are hereby imposed upon and made

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the duties of the trustees of the respective road districts that may be organized under the provisions of this act.

6. To make annual reports on or before the first day of November in each year, to the board of commissioners of the county, wherein they shall show all moneys in the funds of their district at the beginning of the last fiscal year, all moneys which have come into such funds during the last fiscal year, the sources from which all such moneys have come, the time when, the person to whom, and the purposes for which all moneys expended during the last fiscal year have been expended and the balance in the funds of such district at the end of the last fiscal year; and all persons subject to road poll tax who have not paid the same, or did not work in lieu thereof; also, what roads have been constructed or repaired during the last fiscal year, and where located, the character of such construction and the materials employed therein; what percentage of moneys expended by them during such fiscal year were for the construction of permanent roads, and also what percentage thereof was expended for repairs and for the purchase of machinery and implements; and in general such other things as may be necessary to show what kind of work and what work has been done and improvements made in the district during the last fiscal year, together with a correct inventory of all property owned by or in use in the district.

7. It shall be the duty of each member of every board of road trustees, in every district, to view, at least once in each year, every road in his district, throughout its whole extent.

Section 20. In every road district there may be held district assemblies of the qualified electors thereof, on the last Saturday in September, December, and March, in each year, for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged; or for consultation in regard to the maintenance of roadways and in regard to the construction of permanent roadways, and deciding upon what roads shall be permanently improved during the current fiscal year, in regard to the distribution of moneys and work to the various portions of the district, the compensation of employes for work, and in regard to any affairs of the district. Boards of road trustees may, and upon petition of one-tenth of the qualified electors of their district must, call meetings of the qualified electors thereof for the purposes aforesaid. Such meetings shall be called by posting notices thereof in at least three public places in the district, one of which notices shall be posted in a conspicuous place at each school

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house, if any, and one at each postoffice if any, in the district, not less than ten days previous to the time for which the meeting shall be called. Such notices shall designate the time when, the place where, and the purpose or purposes for which such meetings shall have been called. It shall be the duty of the trustees of every road district to give notice as aforesaid of the three regular meetings hereinbefore provided for, in like manner as of meetings called by themselves, or called upon petition of one-tenth of the qualified electors; provided, that if within five days of such regular meetings the trustees have failed to post the notices required under this section, then any three electors of the district may give notice of such regular meetings as herein provided.

Section 21. District assemblies shall be organized by choosing a chairman from the electors present, and the district clerk shall be clerk thereof, and shall enter the minutes thereof in the records of the district, and such minutes shall be read, and corrected if necessary, and approved by a succeeding meeting of the electors. The meeting of electors so called shall be competent to instruct the board of road trustees:

1. In regard to the portions of the roads of the districts which shall be permanently improved by the funds available for the purpose in the then fiscal year.

2. In regard to the character of such permanent improvements and the materials to be used therein; provided, that all roads shall be constructed with reference to the character of the natural roadbed, and with such selection of materials therefor as to make the same, when completed, stable and permanent.

3. In regard to the selection of materials for permanent improvements, and the source or sources from which the same shall be obtained.

4. In regard to the selection and purchase of road building tools and implements.

5. In regard to prosecuting, settling, or compromising any litigation in which the district may be engaged, or is likely to become engaged.

Section 22. Boards of road trustees are liable as such in the name of the district for any judgment against the district, and for any and all debts contracted under the provisions of this act, and they must pay such judgments and liabilities out of the road moneys to the credit of the district available therefor; provided, that the con-

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tracts mentioned in this section are not in excess of the road moneys accruing to the district for the fiscal year in which the contracts were made, otherwise the district shall not be held liable.

The board of County Commissioners, for good cause shown, may suspend or remove any or all of the trustees of any district organized under the provisions of this act, for neglect or wilful refusal to discharge any of the duties of his or their office.

ARTICLE IV.

Section 23. Boards of road trustees must, annually on the first Monday of May, meet and elect one of their number as chairman of the board and one as clerk of the district. Such clerk shall receive, in addition to his compensation as trustee, the sum of twenty-five dollars per annum, which shall be allowed and paid at the same time, in the same manner, and subject to the same conditions as his compensation as trustee.

Section 24. It shall be the duty of said clerk.

1. To call meetings of the board at the request of two members, and to act as clerk of the board, and keep a record of its proceedings and an accurate account of the receipts and expenditures of all moneys by the district, which accounts shall show the sources from which all said moneys are received, and the date when, the purpose for which, and the persons to whom the same were expended.

2. To keep his records and accounts open to the inspection of the electors of the district, and in suitable books provided by the board of road trustees for that purpose.

3. To perform such other duties as may be prescribed by law, or by the board of road trustees.

Section 25. The clerk of each district must, under the direction of the board of trustees, keep an inventory of all property belonging to or in use by the district, and cause the same to be kept in repair so as to be fit for use, and exercise general care and supervision over the property in use by or belonging to the district.

Section 26. No warrant must be drawn in favor of any employe, or other person doing service of furnishing material, or otherwise acquiring or holding a claim against a road district, unless a fully itemized account under oath is filed with the clerk of the board of trustees, and a duplicate thereof also under oath, be filed with the county clerk and recorder, and unless the officer or officers whose duty it is to draw such warrants is satisfied that the employe, or other

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person making such claim, has faithfully performed the services, or rendered value for the claim for which the warrant is drawn, and such account has been audited and approved by the board of County Commissioners.

Section 27. There shall be free competition on all bids for contracts to do work or furnish material, or render service to a road district, but when all other things are equal, a contract shall be let, or employment given, to a resident of the road district to which the service is to be rendered or employment furnished in preference to all other persons.

Section 28. A majority of the board of trustees in actual session shall be necessary for the transaction of business.

ARTICLE V.

Section 29. The board of trustees of any district may, prior to the fifteenth day of August of any year, when in their judgment it is advisable, call an election, and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional funds for the use of the district in the procuring of title to any rights of way, or for the opening of any specific existing roads, or for the constructing, or performing work on, any existing road, or for the purchase of materials or implements or machinery, or for any two or all of these purposes; provided, that where a tax which has been collected for any or all of the purposes, as aforesaid, shall not have been used therefore within two years from the time set, such taxes so collected and unexpended shall be turned by order of the road trustees into the general road fund of the district, wherein said money was raised.

Section 30. Such election must be called by posting notices in at least three of the most public places in the district for twenty days; and also if there is a newspaper in the county, by advertising therein once a week for three weeks; provided, that once [one] of such notices shall be posted at each school house, if any, and one at each post-office, if any, in such road district.

Section 31. Such notices must specify the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used, and the hours during which the polls will be kept open.

Section 32. The trustees must appoint the judges of election at

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such polling place. One of said judges may act as clerk of the election, and if necessary the judges may appoint a clerk. If the judges named are not present at the time for opening the polls, the electors present may appoint judges.

Section 33. The polls must be opened at 8 o'clock a. m. and kept open until 6 o'clock p. m.

Section 34. Every qualified elector, property taxpayer of the county who has resided in the district for thirty days next preceding the election may vote thereat.

Section 35. The voting must be by ballot, without reference to the general election law in regard to the nominations, form of ballot, or manner of voting, nor shall any informalities in regard to form of ballot or manner of casting the same invalidate said election, if the election shall have been otherwise fairly conducted.

Section 36. At such election the ballots must contain the words "Tax—Yes" or "Tax—No."

Section 37. If a majority of the votes cast upon the question of the tax levy are "Tax—Yes," the officers of the election must certify the fact to the board of road trustees of the district.

Section 38. The board of trustees must, upon receipt of a certificate of such fact, report the same to the board of commissioners, stating the amount of money to be raised.

Section 39. The board of County Commissioners must at the time of levying the county taxes levy a tax upon all taxable property of the county of not less than one mill and not more than two mills, and at the same time they must also levy such special tax as may have been legally voted by any road district in an amount sufficient to raise the sum voted. The rate of special tax shall be ascertained by deducting fifteen per cent. for anticipated delinquencies from the aggregate assessed value of the taxable property in the road district so voting such tax, as it appears upon the assessment roll of the county, and dividing the sum voted by the remainder of such aggregate assessed value of the property in the road district. All the taxes so levied shall be compiled and entered upon the assessment roll of the county clerk and recorder and collected at the same time and in the same manner as state and county taxes. All such taxes so collected shall be paid into the county treasury for the use of the road fund of the county, the special tax for the use of the road district for which the same was levied, and for the purposes for which the special tax was voted, and fifty per cent. of the general levy shall be divided

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equally between the several road districts of the county, and the balance to be apportioned by the board of County Commissioners as they shall deem for the best interests of the roads of the county; providing, that all accumulated and unused road money to the credit of any road district shall on the first day of December, 1902, and upon the first day of December every two years thereafter, revert to the general road fund of the county of which said road district is a part.

Section 40. The maximum rate of tax levied by the board of road trustees in any one year, for the purposes mentioned in this article, must not exceed twenty cents on each one hundred dollars of the taxable property of the district.

ARTICLE VI.

Section 41. No officer named in this act must directly or indirectly act as agent for any manufacturer or seller of materials or implements, or of any other person, in the furnishing or endeavoring to furnish any road machinery or implements or any material or article whatever, to any road district in his county; or directly or indirectly contract for or receive any gift, reward or other thing for so furnishing or selling, or recommending the purchase of any machinery, implements or material, or any article or thing of value; and any officer so acting or receiving must be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not to exceed One Hundred Dollars or by imprisonment in the county jail of not to exceed thirty days, or by both such fine and imprisonment, and in addition to such punishment must be removed from office. Every road trustee may administer oaths as to all matters affecting the business or affairs of his district.

Section 42. No road trustee must be interested, directly or indirectly, in any contract made by the board of trustees, of which such trustee is a member; nor shall any supervisor or county officer of any county be interested, directly or indirectly, in any contract made by the board of trustees of any road district of the county in which he holds office and every contract made in violation of the provisions of this section shall be absolutely null and void.

Section 43. The road year shall coincide with the fiscal year, and begin on the first day of May and end on the last day of April, all claims and demands against any road district shall first be presented to the board of trustees thereof, and if the trustees allow the same

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they shall draw their warrant, made payable out of the proper fund of their district. A statement of such claim or demand, itemized and verified in the manner required by law for claims against the county, shall be filed with the clerk of the board of County Commissioners at least one day before it is presented for allowance. Such warrants shall accompany said statement, but shall not be filed with the clerk. The board of County Commissioners shall carefully examine and audit every such claim, and if they approve the same, they shall indorse their allowance in the trustees' warrant therefor, which shall then be presented to the clerk and recorder, who shall draw his requisition to pay the same upon the county treasurer, against the proper fund of the district drawing said warrant; provided, that in no case shall the board of County Commissioners allow any claim for an amount larger than that specified in the trustees' warrant therefor, nor shall the clerk and recorder draw his requisition to pay any claim for an amount greater than that allowed by the board County Commissioners. When the board of trustees or the board of County Commissioners find that any claim presented against any road district is not payable by such district, or is not a proper charge against [such district], such board must reject it, and such rejection shall be clearly entered on the minutes of the board of trustees, or indorsed by the board of County Commissioners on such warrant, and thereafter the same proceedings may be had thereon against such district as is provided by law for the case of the rejection of a claim against the county.

Section 44. The offering of any valuable thing to any member of a board of County Commissioners or board of road trustees, with the intent thereby to influence his action in regard to the purchase of any property for his road district, or in case of such County Commissioners for any road district of his county, or the making of any contract by or on behalf of or affecting, or to be paid out of the funds or with the property of such road district, with the intent thereby to influence such road trustee or other officer in his official action, is punishable by a fine of not to exceed One Hundred Dollars or by imprisonment in the county jail of not to exceed thirty days, or by both such fine and imprisonment: and any person may be compelled to testify in any legal investigation or proceeding against any person who may be charged with any of the offences in this section. No contract obtained from or made with any board of road trustees by corrupt means shall be valid.

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ARTICLE VII.

Section 45. The board of road trustees, or other governing body of any road district, may, when in their judgment it is advisable, and must, upon a petition of forty per cent of the electors of the district call an election and submit to the electors of the district the question whether the bonds of such district shall be issued and sold for the purpose of raising money for procuring rights of way, for opening roads, for repairing roads, for the construction of roads, or for any or all of such purposes, and for the purpose of funding any indebtedness already lawfully incurred for such purposes, or any thereof. Provided; that it shall be unlawful for any road district having an assessed valuation of less than $60,000.00 in real property to vote bonds for any purpose whatsoever.

Section 46. Such election must be called by posting notices, signed by at least a majority of the board, in at least three of the most public places in the district, for not less than twenty days before the election; and if there is a newspaper published in the county by publishing such notice therein not less than once a week for three successive weeks; provided that one of such notices shall be posted in a conspicuous place at each school house, if any, and one in a conspicuous place at each postoffice, if any, in the district.

Section 47. Such notice must contain:

1. The time and place of holding such election.
2. The names of the inspectors and judges to conduct the same.
3. The hours of the day during which the polls will be open.
4. The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding twenty, the whole or any part of said bonds are to run.
5. The purpose or purposes for which such bonds are to be issued.

Section 48. Such election shall be conducted in conformity with the provisions of sections thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six of this act, except that the words to appear on the ballots shall be "Bonds—Yes" or "Bonds—No," or words substantially equivalent thereto.

Section 49. On the seventh day, after said election, at 1 o'clock p. m. the returns having been made to the board of trustees or other governing body of such road district, the board must meet and canvass such returns, and if it appears that two-thirds of the votes cast at such election were in favor of issuing such bonds, then the board shall cause

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an entry of the fact to be made upon its minutes, and shall certify to the board of County Commissioners of the county all the proceedings had in the premises, and thereupon said board of County Commissioners shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the bond fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district, for the redemption of said bonds, and the payment of the interest thereon; provided that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment book of the county.

Section 50. The board of County Commissioners, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than twenty years from the date thereof.

Section 51. Said bonds must not bear a greater amount of interest than six per cent per annum, said interest to be paid annually or semi-annually, and said bonds must be sold in the manner prescribed by the board of County Commissioners, but for not less than par, and the proceeds of the same [sale] thereof must be deposited in the county treasury to the credit of the bond fund of said road district, and be drawn out for the purpose for which said bonds were voted, in the same manner as other moneys are drawn out of other funds of road districts.

Section 52. The Board of County Commissioners, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such road district, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise annually, for the first half of the term which said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term enough to pay such annual interest and to pay annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all money so levied, when collected, shall be paid into the county treasury to the credit of the road fund of such district, and be used for the payment of principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid

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by the county treasurer, upon the warrant of the clerk and recorder, out of the fund provided therefor; and it shall be the duty of the clerk and recorder to cancel and file with the treasurer the bonds and coupons as rapidly as they are paid.

Section 53. If the board of County Commissioners of any county which has issued bonds under the provisions of this act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state auditor, taking his receipt therefor, and the same shall be registered in the state auditor's office; and the state board of equalization shall, at their next session and at each annual equalization thereafter, add to the state tax to be levied in said district, a sufficient rate to realize the amount of principal or interest past due, prior to next levy, and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the special credit of such district, bond tax, and shall be paid by warrants as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state auditor, until the same shall be fully satisfied and discharged; any balance then remaining shall be passed to the general account and credit of said district.

Section 54. Whenever any bonds issued under the provisions of this act shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of County Commissioners the board of trustees, or other governing body of the road district for or on account of which such bonds were issued, or of any road district, composed wholly or partly of territory which, at the time of holding the election at which such bonds were voted, was embraced within the district for or on account of which such bonds were issued, may petition the board of County Commissioners to cause such unsold bonds to be withdrawn from market and canceled. Upon receiving such petition, signed by a majority of the members of the board of trustees or other governing body of said road district, the County Commissioners shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be punished [published] for ten days prior to the day of hearing in some newspaper in said road district, if there is one, and if there is no newspaper published in said road district, then in a newspaper pub-

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lished at the county seat of the county in which the road district or some part thereof is situated. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the County Commissioners shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interest of the road district named in the petition that such unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds are canceled, and thereupon said bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever; and all expenses which may be incurred by the board of county commissioners in advertising such bonds or in selling such bonds shall be paid from the contingent fund of the county.

Section 55. Any ten freeholders of a road district, taxable therein for road purposes, may petition, in writing, the board of county commissioners to alter or discontinue any highway or to lay out a new highway therein. When a highway is petitioned for upon the dividing line between two counties, the same course must be pursued as in other cases, except that a copy of the petition must be presented to the board of County Commissioners of each county, who must appoint viewers to act jointly, and report to their respective boards the action of such viewers.

Section 56. The petition must set forth and describe particularly the highway to be abandoned, discontinued, altered, or constructed, and if the same is to be altered, laid out, or constructed, the general route thereof, over what lands, who are the owners thereof, whether such of them as can be found consent thereto, and if not, the probable cost of the right of way where such consent is not had, the necessity for, and the advantages of the proposed road.

Section 57. Upon filing such petition the board of commissioners must appoint three viewers, one of whom shall be the county surveyor or such other person as may be charged with that duty according with the provision of section 4478 of title II., part IV., of the political code, to submit to the board an estimate of the cost of the change, alteration or opening, including the purchase of the right of way, and their views of the necessity thereof. Provided, that when the road petitioned for lies in two districts, one viewer must be appointed from each district.

Section 58. Upon filing such petition the board of commissioners must appoint three viewers to view any proposed alteration of an

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old, or of opening a new road, and submit to the board an estimate of the cost of the change, alteration, or opening, including the purchase of the right of way, and their views of the necessity thereof.

Section 59. The sheriff, constable or any other person of the proper county, shall serve the warrants mentioned in the preceding section by delivering a copy to each of the viewers named therein, in which case the original shall be returned to the county clerk, with the endorsement of the service thereon; or a copy of such warrants shall be sent by the county clerk by mail (registered), postage prepaid, to each of the viewers, in which case a certificate of such mailing shall be endorsed upon the original warrant in the county clerk's office, and shall be sufficient proof of service. Every person appointed a viewer shall take an oath or affirmation to discharge the duties of viewer of the road recited in the petition, faithfully and impartially according to law. Such oath or affirmation may be administered by any one of the viewers who has been previously sworn by an proper officer.

Section 60. The road viewers must be disinterested citizens of the county, but not petitioners; they must be sworn to discharge their duties faithfully; must view and lay out the proposed alteration or new highway over the most practicable route; notify the resident, owner or agent of land over which it passes of the proposed route; ascertain whether the resident owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same; estimate the actual damage done to any land over which it passes and the cost of any bridges or grading necessary; the necessity for and public convenience to be subserved by the highway, and whether the opening thereof or change therein proposed should be made.

Section 61. When the view of the proposed alteration or new highway is completed, the viewers must report to the board of commissioners:

1. The course, termini, length, and probable cost of construction of the proposed highway.

2. The estimate of damage to the owner of any land over which it is proposed to run the highway.

3. The names of land owners who consent to give the right of way, and their written consent thereto.

4. The names of land owners who do not consent, and the amount of damage claimed by each, but when there are non-resident land

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owners, and no agent upon the land upon whom notice can be served, such non-resident land owner must be considered as non-consenting land owners unless their written consent is obtained.

5. Such other facts bearing upon the subject, of importance, to be known by the board of county commissioners.

6. They may also, in their discretion, or by an order of the board of commissioners, report upon the feasibility and cost of any other route than the one petitioned for which would subserve the same purposes, and also report as to the necessity of a greater or the practicability of a less width of road than petitioned for.

Section 62. The viewers, except the county surveyor, must be paid not to exceed three dollars each per day for their services out of the road fund of the district through which the road passes.

Section 63. The board of commissioners at the next meeting after the filing of the report, or at the time when the report is filed, if then in session, must fix a day for hearing the same; must notify the owners of land not consenting to give the right of way of the hearing by having written notice served on them by registered letter, postage paid, to their postoffice address, or to that of the occupant or agent of the owner; or if neither the owner, agent of the owner, or occupant can be so notified, by reason of non-residence or other cause, then by posting notices, one at a conspicuous place on the land, or left at the owner's, agent's or occupant's residence, and one at the court house, ten days prior to the day fixed for the hearing, and must on the day fixed for the hearing or to which it may be postponed or adjourned, hear the evidence and proofs from all parties interested for and against the proposed alteration of new road, ascertain and by order declare the amount of damage awarded to each non-consenting land owner and declare the report of the reviewers [viewers] to be approved or rejected.

Section 64. If the board approve the report, and there are no non-consenting land owners, the highway must, by order, be declared a public highway, and the road trustees ordered to open the same to the public, and if the board order it, to require the county surveyor to survey the same and plat it, and file his field notes with the clerk of the board, for which the surveyor may receive five dollars per day for the time actually employed.

The board of [county] commissioners, upon making each and every order establishing the location or alteration of any highway must order the amount of damages sustained by each and every person owning

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or claiming lands or any improvements thereon and affected thereby, as finally fixed and assessed by them to be set apart in the treasury, out of the proper fund to be paid to the proper owner or claimant, if known, and to be kept for the owner or claimant, if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements. Any moneys set apart as herein provided for, must be returned to the fund from which it was set apart, if not paid to or accepted by the proper owner or claimant. If the awards are all accepted the road must be declared a public highway, and be opened as before provided.

Section 65. The damages must be determined by ascertaining the benefits and damages accruing to any person by reason of altering, changing or laying out such road, and the sum estimated as benefits must be deducted from the sum estimated as damages, for the amount of damages awarded.

Section 66. If any award of damages is not accepted within ten days from the date of the award, it shall be deemed rejected by the land owners. The board must, by order, direct procedings to procure the right of way to be instituted by the county attorney of the county under and as provided in title VII., part III., of the code of civil procedure, against all non-accepting land owners, and when thereunder the right of way is procured, the road must be declared a public highway, and opened as hereinbefore provided.

Section 67. All awards by agreement, ascertained by the board or by the proper court, and all expenses of viewing, surveying, laying out or altering any road must be paid out of the road fund on the order of the board of commissioners.

Section 68. If a highway is opened or altered, the final report of the viewers, including the plat, field notes, and report of the surveyor, must be recorded in the office of the county clerk in a book kept for that purpose.

Section 69. If a highway is ordered to be altered or opened, the board of commissioners must cause notices thereof to be posted at three public places along the line of said highway, stating that said highway will be opened and worked, after sixty days from the date of posting said notices.

Section 70. No highway must be ordered opened through fields of growing crops, or along a line where crops would thereby be exposed to stock until the owner thereof has sufficient time to harvest and care for such crops.

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Section 71. When any highway is to be altered, widened, changed, or laid out, the clerk of the board of County Commissioners must notify the trustees of the proper district and furnish him with a certified copy of the order of the board of commissioners; provided, however, that when the cost of altering, widening, changing or laying out, or constructing any new road, exceeds two hundred dollars, the work must be let by contract.

But before any contract shall be let as provided herein, the road trustees of such district shall advertise for bids therefor at least once a week for two successive weeks in a newspaper of general circulation in the county, and the contract shall then be awarded to the lowest responsible bidder who shall, before entering upon the performance of the work, execute and deliver to the trustees an undertaking, with two or more sureties, to be approved by the trustees, in a sum not less than twice the amount for which the contract is awarded.

Section 72. In all cases where consent to use the right of way for a highway is voluntarily given, purchased or condemned, and paid for, either an instrument in writing, conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the judgment of the court condemning the same, must be made and filed and recorded in the office of the county clerk, in which the land so conveyed or condemned must be particularly described.

Section 73. Whenever highways are laid out to cross railroads, canals, or ditches, or public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals or ditches that the public highway may cross the same without damage or delay. And when the right of way for a public highway is obtained through the judgment of any court over any railroad, canal, or ditch no damages must be awarded for the simple right to cross the same.

Section 74. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given, purchased or condemned by order of the court for road or highway purposes, notice to remove the fences must be given by the road trustees to the owner, the occupant or agent, by registered mail, postage paid to his or her address; and if the same is not done within ten days thereafter, or commenced and prosecuted with due diligence, the road trustees may cause it to be removed at the expense of the owner and

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recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

Section 75. Highways must be laid out and opened when practicable upon subdivision or section lines; provided, however, that this section shall not be construed to prevent roads being laid out on diagonal lines when the public purposes shall be best subserved thereby.

Section 76. Upon a petition for that purpose, by a majority of the freeholders or owners residing upon any highway, when it can be done without material damage, the board of commissioners may change such highway to subdivision or section lines, and lay out and open the same thereon.

Section 77. All acts and parts of acts in conflict herewith are hereby repealed.

Section 78. This act shall be in full force and effect from and after the fifteenth day of March, 1901.

Approved March 11th, 1901,

HOUSE BILL NO. 83.

An Act to provide for the erection, completion, furnishing and equipment of buildings for the University of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

The State Board of Land Commissioners of the State of Montana, is hereby authorized to issue bonds to the amount of Seventy Thousand Dollars, the minimum denomination of which shall be fifty dollars and the maximum denomination thereof shall be one thousand dollars each. Said Bonds shall be known as the State University Bonds, No. 2, and which shall bear date of May 1st, 1901, and May 1st, 1905, as hereinafter provided. Said bonds shall become due in thirty years after the date each bears, and payable within twenty years after the said date. Said bonds shall bear interest not to exceed five per cent., and may bear such less rate as the said State Board of Land Commissioners may determine. Said interest shall be payable semi-annually, on the first day of January and the first day of July of each year. Said bonds shall run from the said State Board of Land Commissioners of the State of Montana, to bearer, and

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shall be signed by the said State Board of Land Commissioners and countersigned by the Secretary of State, who shall attach his seal thereto.

SECTION 2.

Forty Thousand Dollars par value of said bonds provided for in the first section of this act, shall be issued and sold as soon as possible after the passage of this act, and Thirty Thousand Dollars of the remaining bonds above provided for shall be issued at a date not less than four years after the passage of this act, as may be designated by the State Board of Education.

SECTION 3.

All funds realized from the sale of licenses to cut trees on said lands, the leasing of said lands, or from the profits arising from the permanent fund to be created as provided by section 14 of an act of Congress approved February 22nd, 1889 entitled "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State Governments, and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such States." (In Montana said lands being forty-six thousand and eighty acres granted to the Territory of Montana by the Act of February 18th, 1881, and vested in the State of Montana by the Act of February 22nd, 1889.) for the establishment and maintenance of a University, except such funds as may be necessary for the payment of the bonds to the amount of One Hundred Thousand Dollars, heretofore issued against such fund, and the interest thereon are hereby pledged as security for the payment of principal and interest of the bonds authorized by this act, and all moneys, all revenues from said lands, or any of them, whether on account of licenses to cut trees thereon, leases, or otherwise (except such moneys as may be necessary to the payment of principal and interest on the bonds heretofore issued, being the same above referred to), and the proportionate expense incurred in administering the said land grant as provided in Section V of an act of the Fifth Legislative Assembly, known as House Bill No. 116 are hereby set apart and shall constitute a fund for the payment, as hereinafter provided, of the principal and interest of the said bonds, which shall be a second lien on said University Bond Fund.

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SECTION 4.

It shall be the duty of the State Treasurer to keep all moneys derived from the sources hereinbefore mentioned in a separate fund, to be designated and known as the University Bond Fund, and out of the moneys he shall pay, after approval of the State Board of Examiners:

1. All sums when due as principal or interest on the bonds heretofore issued and referred to in section 3 thereof, and being the first bonds issued against said fund, and provided for in an act entitled "An Act to provide for the erection, completion, furnishing and equipment of buildings for the University of Montana, approved March 4th, 1897."

2. The costs and expenses of issuing the bonds herein provided for.

3. The interest on bonds herein authorized when due.

4. When such bonds shall become payable he shall call in and pay the same as rapidly as the money in such fund will permit after providing for the interest. In the event there shall not be sufficient funds in said University Bond Fund to pay the interest when due, the State Board of Examiners shall, by an order entered upon their minutes, cause warrants to be issued on the University Bond Fund for the amount of the interest due, and the warrants so issued shall bear interest at the rate of five per cent. per annum; said warrants shall be paid by the Treasurer as soon as sufficient funds accumulate in said fund and applicable thereto to pay the same, and by reason of the delivery of said warrants to the holder of said bonds in satisfaction of accrued interest, there shall be no default in the payment of interest.

Section 5. It shall be the duty of the State Treasurer, to give notice, by advertising for not less than two weeks in one newspaper published in the city of Helena, Montana, and in one newspaper published in the City of New York, that he will, on the 15th day of April, 1901, sell forty thousand dollars of the said bonds herein authorized, and will receive bids therefor, and said bonds shall be by him sold to the highest bidder, or to the person offering to take the same at the lowest rate of interest, as may be directed by the State Board of Land Commissioners. If no Bids are then received, or if none of the bids made are accepted, said bonds may be sold afterwards at private sale, provided; that the said State Board of Land Commissioners shall have the right to open, receive and examine all bids for such bonds, and in its discretion accept or reject the same, and

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provided further; that none of said bonds shall at any time be sold for less than par. When the State Board of Education shall determine to issue bonds for said thirty thousand dollars they shall be sold in the same manner as provided above in this section, and under the same conditions.

SECTION 6.

The moneys derived from the sale of the said forty thousand dollars of said bonds shall be used to erect, furnish and equip buildings for the use and benefit of the University of Montana, and to be known as the Woman's Hall and University Gymnasium, and shall, by the State Treasurer be paid out on the warrants of a Commission, or agent, created by the State Board of Education, and under such regulations as said Board may adopt.

The money derived from the sale of said thirty thousand dollars of bonds shall be devoted to the erection of such University buildings as the State Board of Education may direct.

SECTION 7.

The erection of said buildings shall be under the control of the State Board of Education. Said Board shall have power to appoint a Commission, or an agent to superintend such construction; and said State Board of Education is hereby authorized to employ an Architect as it may be deemed necessary, in preparing the plans and specification for and in superintending the construction of said building.

The expense thereof shall be paid out of the said building fund herein specified. Provided; that all Architects, Superintendents and Contractors for the erection of said buildings shall be citizens of Montana. Said State Board of Education shall have power, through its said Commission, or its agent or agents above provided for, to make any and all contracts for the erection of said buildings and their equipment. All contracts for the erection of the same must be approved by said State Board of Education before the same shall become valid and binding.

SECTION 8.

The State of Montana shall in no wise be held liable for the payment of the bonds herein authorized or the interest thereon.

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SECTION 9.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 16th, 1901.

HOUSE BILL 156.

An Act entitled an act for the erection, furnishing and equipment of a dormitory building and for the installation of a heating plant for the State Normal School of Montana, and providing for the issuance of bonds to raise money therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of land commissioners of the State of Montana is hereby authorized and directed to issue bonds to the amount of twenty thousand dollars; the minimum denomination of such bonds shall be two hundred and fifty dollars and the maximum denomination one thousand dollars each; said bonds to be known as the state normal school second mortgage bonds, to bear date of May first, A. D. 1901, to become due in twenty years after date and payable ten years after date thereof. Said bonds shall bear interest at the rate of not more than five per cent per annum, payable Semi-annually, on the first day of November and the first day of May of each year, at the office of the State Treasurer of the State of Montana.

Said bonds shall run from the State board of land commissioners of the State of Montana to bearer, and shall be signed by the State board of land commissioners and countersigned by the Secretary of State, who shall attach his seal thereto. Provided, however, That nothing in this Act shall be so construed as to in any way hold the State of Montana liable for the payment of the bonds herein authorized, or the interest thereon.

Section 2. The bonds provided for in section one of this Act shall be sold and issued as hereinafter provided.

Section 3. All funds realized from the sale or leasing of the lands and licenses to cut trees thereon (being one hundred thousand acres) granted by the United States to the State of Montana, for the establishment and maintenance of a State normal school under and by virtue of the provisions of Section Seventeen of the Act of Congress, approved February 22nd 1889, entitled "An Act to provide for the

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division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form state governments and to be admitted to the union on an equal footing with the original states, and to make donations of public lands to such states," except such funds as may be necessary for the payment of the bonds to the amount of fifty thousand dollars heretofore issued against such funds and interest thereon, are hereby pledged as security for the payment of the principal and interest of the bonds authorized by this Act, and all moneys or revenues from said lands or any of them, whether on account of the sales or leases of said lands or the sales of timber therefrom, or otherwise (except such moneys as are necessary to the payment of principal and interest on the bonds heretofore issued, being the same above referred to) are hereby set apart and shall continue a fund for the payment as hereinafter provided of the principal and interest of the said bonds, which shall be a lien on said normal school bond fund.

Section 4. It shall be the duty of the state treasurer to keep all moneys derived from the State normal school lands hereinbefore mentioned in a separate fund, to be designated and known as the state normal school bond fund, and out of the moneys in such fund, he shall pay, after the approval of the State board of Examiners;

a. All sums when due as principal or interest on the bonds heretofore issued and referred to in Section three hereof, and being the first bonds issued against said funds.

b. The cost and expense of issuing the bonds authorized by this Act.

c. The interest on the bonds herein authorized when due; and

d. When such bonds shall become payable, he shall call in and pay the same as rapidly as the money in such fund will permit, after providing for the interest. That in the event there shall not be sufficient funds in the State normal school bond fund to pay the interest when due, the state board of examiners shall, by an order entered upon their minutes, cause warrants to be issued on the state normal school bond fund for the amount of the interest due, and the warrants so issued shall bear interest at the rate of five per cent per annum; Said warrants shall be paid by the treasurer as soon as sufficient funds accumulate in said fund and applicable thereto, to pay the same, and by reason of the delivery of said warrants to the holders of said bonds in satisfaction of accrued interest, there shall be no default in the payment of the interest.

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Section 5. It shall be the duty of the state treasurer of Montana to give notice by advertising for not less than two insertions in one newspaper published in the city of Helena and in one newspaper published in the city of New York, that he will on the sixth day of April, A. D. 1901, sell the twenty thousand dollars of bonds hereby authorized, and will receive bids therefor, and said bonds shall on said day be sold to the person bidding the highest therefor or to the person offering to take the same at the lowest rate of interest, as may be directed by the state board of land commissioners; and no bonds shall be by him sold for less than par. Said bonds to be sold shall be issued by the state treasurer, and payment received therefor by him in lots of ten thousand dollars each, as fast as funds are required to be used in paying estimates and other expenses in the erection and equipment of said dormitory building and in the installation of said heating plant, and no more shall be delivered than shall be necessary to erect said building and install said plant, and to properly furnish and equip the same.

Said bonds shall bear interest only from date of the issue thereof, and not from date of sale.

Section 6. The money derived from the sale of said bonds shall be used to erect, furnish and equip a dormitory or boarding hall, and a heating plant, for the normal school at Dillon, Montana.

Section 7. Immediately upon the receipt of the proceeds of the sale of said bonds, the state treasurer shall turn over the same to the treasurer of the executive board of the state normal school, and the same shall be disbursed by him, on orders of the executive board of said school, in the erection, furnishing and equipment of a dormitory or boarding hall for said school and in the purchase, installation and equipment of a heating plant for said school; upon plans and specifications, approved by said executive board of the said state normal school and also by the state board of education, and the supervision of the construction, furnishing and equipment of said building and plant shall be under the supervision and direction of said executive board, subject to the approval of the said state board of education.

Section 8. Before the money or proceeds of the sale of said bonds shall be turned over to the treasurer of the executive board by the state treasurer, the said treasurer of said board shall give a bond to the state of Montana in double the amount of the money turned over, with two or more good and sufficient sureties to be approved by the state treasurer, and conditioned that said treasurer of said executive board

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will truly and faithfully account for and pay out said money or funds as herein provided.

Section 9. This Act shall take effect and be in force on and after its passage and approval.

Approved March 16th, 1901.

SENATE BILL NO. 104.

An Act to make Legal and Valid Coupon Bonds of Cascade County, Montana, to the amount of $130,000.00, of date July 1st, 1891, and Payable July 1st, 1901.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That those certain coupon bonds issued by the County of Cascade in the State of Montana to the amount of One Hundred and Thirty Thousand ($130,000.00) Dollars, of date July 1st, 1901, [1891], bearing interest at the rate of seven per cent. per annum, due and payable on the first day of July, 1901, and sold and delivered by said County of Cascade to N. W. Harris & Company of Chicago, Illinois, said bonds being issued for the following purposes, to-wit:—

$30,000.00 for the purpose of building a bridge across the Missouri River ,between Cascade and St. Clair, in said Cascade County, State of Montana:

$45,000.00 for the purpose of purchasing the bridge already built across the Missouri River at Great Falls, in said Cascade County, State of Montana:

$35,000.00 for the purpose of building a bridge across the Missouri River at or near the intersection of said river and Fifteenth Street, in the City of Great Falls, in said Cascade County, State of Montana:—

$20,000.00 for the purpose of buying a site for a court-house for said county of Cascade, Montana: are hereby declared to be legal and valid in all respects, notwithstanding any defect, omission or irregularity in the issue or sale thereof. and the Acts of said Cascade County in issuing and selling said bonds, are hereby fully approved, ratified and confirmed.

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SECTION 2.

The Board of Commissioners of Cascade County is hereby empowered and authorized to issue on the credit of the county of Cascade, Montana, coupon bonds to an amount sufficient to redeem said outstanding bonds, of date July 1st, 1891, and payable July 1st, 1901.

SECTION 3.

This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 7th 1901.

HOUSE BILL NO. 38.

An Act, entitled "An Act to regulate the practice of Osteopathy in the State of Montana, and to license Osteopaths to practice in this State, and to establish a Board of Osteopathic Examiners, and to punish persons violating the provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana, as follows:

Section 1. The governor of this State shall appoint a Board as soon as possible after the passage of this Act, to be known as the State Board of Osteopathic Examiners. Said Board shall consist of three qualified practising resident osteopaths, each of whom shall be a graduate of a legally authorized school of osteopathy; each member of said Board shall serve thereon for a term of four years, and until his successor is appointed, except in case of the first Board, on which one shall serve for four years, one for three years, and one for two years, as specified in their appointment. In case of vacancy by death or otherwise, there shall be appointed in like manner a person to serve through such unexpired term.

Section 2. Said Board of Osteopathic Examiners shall elect a President, a Secretary, and treasurer at the first Tuesday in March, each year, from among their number, and shall have a common seal, and its President and Secretary shall have power to administer oaths. Said Board shall hold meetings for the examinations at the State Capital on the first Tuesday in March and September of each year and such other meetings as may be deemed necessary, each session thereof not to exceed three days, and shall issue certificates of qualification to all

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applicants having a diploma from a legalized, recognized and regularly conducted school of osteopathy as such, at the time it was issued, or who pass the required examination as provided by section four of this Act. Said certificates shall be signed by the President and Secretary of said Board, and attested by its seal, and shall be conclusive of the right of the lawful holder thereof to practice osteopathy in this State. Said Board shall keep a record of all proceedings; also a register of all applicants for a license, together with his or her name and age and time spent in the study and practice of osteopathy; and the name and location of the school or institute of osteopathy from which said applicant holds a diploma; and shall keep a register which shall show the names of all applicants licensed; or that are rejected under this Act. Said book shall be prima facie evidence of all matters recorded therein.

Section 3. It shall be unlawful for any person to practice osteopathy in this State without a license from said Board; provided that all persons practising osteopathy within this State prior to the passage of this Act, and holding a diploma from a legally authorized school of osteopathy of good repute as such and wherein the course of study comprises twenty months or four terms of five months each, and shall have been in personal attendance at said school not less than eighty per cent of the required time, may be licensed to practice osteopathy in this State by submitting to said Board of Osteopathic Examiners such a diploma and satisfying such Board that they are the legal holders thereof, or by undergoing an individual examination as hereinafter provided, at a regular meeting of said Board for examination. The fee for such license shall be twenty dollars, payable to the Secretary of said Board of Examiners when application is made for certificates, provided that in case of failure of an applicant to pass a satisfactory examination, he will be entitled to a second examination without charge at the next succeeding meeting of the Board.

Section 4. The Secretary of the Board of Osteopathic Examiners may, upon examination, grant a certificate to an applicant to practice osteopathy until the next meeting of said Board when he shall report the facts, at which time the temporary certificate shall expire, but such temporary certificate shall not be granted by the Secretary of said Board after the Board has once rejected the applicant.

Section 5. All persons, after March first, nineteen hundred and one, commencing the practice of osteopathy in this State, in any of its branches, shall apply to said Board for a license to do so, and such applicant at the time and place designated by said Board, shall submit

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to an examination in the following branches, to-wit: anatomy, physiology, chemistry, pathology, gynecology, obstetrics, and theory and practice of osteopathy, and such other branches as are taught in well regulated and recognized schools of osteopathy and deemed advisable by said Board, and shall present evidence of having actually attended for at least twenty months, or four terms of five months each a legally authorized and regularly conducted school of osteopathy, recognized by said Board of Osteopathic Examiners.

All examination papers on subjects peculiar to osteopathy shall be examined, and their sufficiency passed upon by the members of said Board, whose decision shall be final thereon subject however to the right of appeal which appeal shall be to the district court of the county in which the examination is held and said district court shall review such examination without a jury and shall have the right to take testimony thereon and the decision of such district court shall be also subject to the right of appeal to the Supreme Court by any persons aggrieved thereby and upon such appeal the Supreme Court shall have the right to consider questions of both law and fact, and said Board shall cause such examination to be scientific and practical but of sufficient severity to test the candidate's fitness to practice osteopathy. After examination, the Board shall grant a license to such applicants as shall pass the examination to practice osteopathy in the State of Montana, which license shall be granted by not less than two members of such Board, and attested by the seal thereof. For the support and maintenance of said Board, the fee for such examination and license shall be twenty dollars which shall be paid in advance to the Secretary of said Board, to defray the expenses thereof.

Section 6. The certificate provided for in Section five of this Act shall not authorize the holder thereof to prescribe or use drugs in the practice of osteopathy, for [or] to perform major or operative surgery; And any person holding certificate under this Act, who shall prescribe or use drugs in the practice of osteopathy, or who shall perform major, minor or operative surgery, shall be deemed guilty of a misdemeanor; provided, that nothing in this Act shall be so construed as to prohibit any legalized osteopath in this State from practising major or operative surgery after having passed a satisfactory examination in surgery before the State Board of Medical Examiners of the State of Montana.

Section 7. The person receiving such license shall have it recorded in the office of the County Clerk in the County in which he or she resides, and the record shall be endorsed thereon. In case the person

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so licensed shall remove to another county to practice, the holder shall record the license in a like manner in the county into which he or she removed; and the county clerk is entitled to charge and receive the usual fee for making such record.

Section 8. Any person practising osteopathy in this State without first having obtained a license herein provided for, or contrary to the provisions of this Act, or who, for the purpose of obtaining such license, shall falsely represent himself or herself to be the holder of a diploma as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction therefor [thereof], shall be punished by fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days for each and every such offense. It shall be the duty of the respective county attorneys to prosecute violations of this Act.

Section 9. Any such certificate may be revoked by said Board, upon satisfactory proof of fraud, or misrepresentation in procuring the same, or for any violation of the provisions of this certificate, or any gross immorality by the holder thereof.

Section 10. Out of the funds coming into the possession of said Board each of the members of said Board may receive as compensation the sum of five dollars for each day actually engaged in the duties of their office, together with all legitimate and necessary expenses incurred in attending the meetings of said Board. No part of the compensation or other expenses of said Board shall be paid out of the State Treasury. The fees coming into the Treasury of said Board shall be paid out upon a warrant of the president and secretary thereof in payment of the compensation and expenses of said Board in carrying out the provisions of this Act. Said Board shall make an annual report of its proceedings to the Governor of the State for the year ending on the thirty-first day of December preceding the making of said report. Said report shall be filed with the Governor on or before the fifteenth day of January of each year.

Section 11. The system, method, or science of treating diseases of the human body commonly known as osteopathy is hereby declared not to be the practice of medicine, or surgery within the meaning of sections 600, 601, 602, 603, 604, 605, 606, 607 and 608, Chapter 16, Part III, Title I, of the Political Code of the State of Montana, and Sections 706, Title 10 of the Penal Code of the State of Montana, and not subject to the provisions of said sections.

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Section 12. All Acts and parts of Acts in conflict with this Act, are hereby repealed.

Approved February 26th, 1901.

HOUSE BILL NO. 68.

An Act entitled an Act to amend Sections Seven (7), Eight (8), Nine (9) and Nineteen (19) of an Act to create the Montana State Board of Horticulture to prescribe its powers and duties, and to appropriate money therefor.

Be it enacted by the Legislative Assembly of the State of Montana:—

That section seven of an "Act to create the Montana State Board of Horticulture, to prescribe its powers and duties, and to appropriate money therefor," as enacted by the Sixth Legislative Assembly of the State of Montana, be amended [so as] to read as follows:

SECTION 7.

For the purpose of preventing the spread of contagious diseases among fruit and fruit trees, and for the prevention, treatment, cure and extirpation of fruit pests and diseases of fruits and fruit trees, and for the disinfection of grafts, scions or orchard debris, empty fruit boxes or packages, and other suspected material or transportable articles dangerous to orchards, fruits and fruit trees, said board may prescribe regulations for the inspection, disinfection or destruction thereof, which regulations shall be circulated in printed form, by the board, among the fruit growers and fruit dealers of the State, and shall be published at least ten days in two horticultural papers of general circulation in the State, and shall be posted in three conspicuous places in each county in the state, one of which shall be at the county court house thereof.

That Section eight (8) of said act be amended so as to read as follows:—

SECTION 8.

The said board shall elect from their own number or appoint from without their number, to hold office at the pleasure of the board, one competent person in each district, to be known and act as "Inspector of Fruit Pests." Said inspectors shall be selected with reference to their Study and practical experience in horticulture.

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It shall be the duty of said inspectors to visit the nurseries, orchards, stores, packing houses, warehouses and other places where horticultural products and fruits are kept or handled within their respective districts, and to see that the regulations of the State Board of Horticulture to prevent the spread of fruit pests and diseases of trees and plants, and the disinfection of fruits, trees, plants, grafts, scions, orchard debris and empty fruit-boxes and other material shall be fully carried out and complied with. Said inspectors shall have free access, at all times, to all the premises where any trees, plants, fruits or horticultural products or supplies are kept or handled, and shall have full power to enforce the rules and regulations of the State Horticultural Board, and to order the destruction or disinfection of any or all trees, plants, fruits or horticultural products or supplies found to be infected with any disease as prescribed or designated by said board.

The said board may appoint one or more, as necessary, competent persons to be known as "Special Fruit Inspectors," whose general powers and duties shall be the same as those prescribed in this section to govern "Inspectors of Fruit Pests" and whose especial duty shall be the inspection of the fruits offered for sale in the State of Montana.

Such special fruit inspectors shall receive such sum per day as the said Board of Horticulture may agree upon, provided such sum shall in no case exceed the sum of five dollars per day, for the time actually employed, and further provided that such compensation shall not exceed the amounts charged and collected as fees for such inspection.

That Section Nine (9) of said act be amended so as to read as follows:—

SECTION 9.

It shall be the duty of every person or persons, corporation or corporations, who shall sell or deliver to any person or persons, corporation or corporations, any trees, plants, vines, scions or grafts, to notify the inspector of said district wherein such trees, plants, vines etc., etc., are to be delivered, at least five days before said goods are to be delivered, giving the date and nursery or railroad station where said trees, plants, scions, etc., etc., are to be delivered, together with the name of the party or parties who are to receive the same. It shall be the duty of the inspector receiving said notice to inspect the said trees, plants, grafts, scions, etc., etc., as soon thereafter as practicable and at the point where the same are to be delivered, and if the same

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be found free from any and all diseases or pests, as designated by said State Board of Horticulture, he shall so certify and shall attach such certificate to each lot or bill of such trees, grafts, plants, scions etc., which said certificate must contain a list of the said trees, grafts, scions, vines or plants so inspected. But if any of the trees, grafts, scions, vines, or plants so inspected shall be found to be diseased or infected with any of the pests, as prescribed by said board, then the inspector shall order the disinfection or destruction of such trees, grafts, scions, vines etc., etc., so diseased or infested together with all boxes, wrapping or packing pertaining thereto, provided, that the State Board of Horticulture shall have power to designate certain places as quarantine stations, where all nursery stock brought into the State shall be inspected and disinfected. The State Board of Horticulture shall charge and collect from each nursery inspected the sum of ten dollars; for each car of nursery stock inspected or disinfected the sum of ten dollars, and a proportionate sum for less than car lots, but in no instance less than two dollars for each separate inspection or disinfection.

For the inspection of fruits a fee of two cents per box or package with a maximum fee of five dollars for each separate lot or car shall be charged and collected. The inspectors shall collect such fees and shall not give certificates of inspection until the fees are paid.

That Section nineteen of said act be amended so as to read as follows:—

There is hereby appropriated for the use of the State Board of Horticulture, as set forth in this act, out of the moneys in the State treasury, not otherwise appropriated, the sum of twenty five hundred dollars, or so much thereof as may be necessary for the year commencing March 1st, 1901, Three thousand dollars, or as much thereof as may be necessary for the year commencing March 1st, 1902, said appropriations of money to be payable out of the revenues of the State of Montana for the year 1902.

SECTION 20.

All acts and parts of acts in conflict herewith are hereby repealed.
Approved March 14th, 1901.

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HOUSE BILL NO. 78.

A Bill for An Act Entitled an Act Providing for Farmers Institutes and Making an Appropriation Therefor.

Be It Enacted By The Legislative Assembly of the State of Montana:

Section 1. The Board of Administration of the Farmers Institutes as provided for in this Act shall consist as follows: The Governor of the State and the Director of the Montana Experimental Station, both of whom shall be ex-officio members, and the presidents of the tion, The Montana Live Stock Association, the Montana Horticulfolowing named organizations: The Montana Wool-growers' Associatural Society, the Montana Agricultural Association, and the Montana Dairymans Association, when these last two shall have been duly organized. Members of such board of administration shall be designated the "Directors of the Montana Farmers Institutes" and shall be authorized to hold institutes for the instruction of the citizens of this State in the various branches of agriculture and shall prescribe such rules and regulations as they may deem best for organizing and conducting the same. Such institutes shall be held at least once in each county in each year and at such times and places as the directors may designate. The directors may employ an agent or agents to perform such work in organizing and conducting said institutes as they may deem best. The course of instruction at such institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

Section 2. For the purpose mentioned in this act, the directors may use such sum as they may deem proper, not exceeding the sum of Two Thousand Dollars in any one year; and such amount is hereby annually appropriated for that purpose out of the moneys in the State Treasury not otherwise appropriated. Each institute held under the authority of this act shall be entitled to the sum of not exceeding Fifty Dollars from the amount appropriated under this act.

Section 3. The Board of Administration shall hold office for the period of three years from the date of the passage of this act, and at the expiration of that time, those acting as the presidents of the associations mentioned and the Directors of the Montana Experimental Station, shall be entitled, ex-officio, to act as such directors of the Montana Farmers Institutes.

Section 4. That the expense of such institutes or any expenditure

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made necessary in carrying out the provisions of this act shall be paid out of such institute funds by the State Treasurer upon warrants issued by the State Auditor, which warrants shall only be drawn upon the certificate of the chairman of the Board of Administration of the Montana Farmers Institutes.

Section 5. That immediately upon the passage and approval of this act, the Board of Administration shall meet in the city of Helena and arrange for the first series of institutes throughout the state, and thereafter such Board shall meet annually on the second Tuesday of November to arrange for such institutes, and they shall again meet on the second Tuesday in March of each year, to audit all expenditures and arrange for the printing, in pamphlet form, within sixty days of said meeting, of the Institute Annual, and that the cost of said annual shall not exceed One Thousand Dollars in any one year.

Section 6. This Act to be in effect from and after its passage and approval by the Governor.

Approved March 14th, 1901

SENATE BILL NO. 52.

An Act to permit amended and additional declaratory statements of locators of mining claims to be filed, and to validate amended and additional declaratory statements of location of mining claims heretofore filed.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

If at any time the locator of any mining claim heretofore or hereafter located, or his successors or assigns, shall apprehend that his original declaratory statement was defective or erroneous, or that the requirements of law had not been complied with, or shall be desirous of changing his boundaries, or taking in any part of an overlapping claim which has been abandoned, or in case his original declaratory statement was filed prior to the passage of this law and he shall be desirous of securing the benefit of this act, such locator, or his successors or assigns, may file an additional or amended declaratory statement subject to the provisions of this act; provided, that such relocation or filing of an amended or additional declaratory statement shall not interfere with the existing right of others at the time of

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such re-location or filing of the amended or additional declaratory statement, and no such re-location or amended or additional declaratory statement, or other record thereof, shall preclude the claimant or claimants from proving any such title as he or they may have held under the previous location and notice thereof.

SECTION 2.

Any amended or additional declaratory statement which may have heretofore been filed by a locator, or his successors or assigns, shall have the same force and effect and be subject to the same terms and conditions as though the same had been filed under the provisions of Section one of this Act.

SECTION 3.

This Act shall take effect from and after its passage and approval.
Approved March 15th, 1901

SENATE BILL NO. 39.

An Act prescribing the method of Assessment, Collection and Division of Taxes Received from any live Stock brought into the State for grazing purposes, and Fixing the penalty and Forfeiture for violation Thereunder.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

All live stock brought into this state by any person or persons whomsoever, for the purpose of being grazed for any length of time whatsoever, shall be taxed for the year in which such live stock shall be brought into the State.

SECTION 2.

It shall be the duty of every person bringing live stock into any county in this state, for grazing purposes as herein before provided, to set out in a certificate under the hand of such person, or his agent, the number of live stock, with the brands, if any, upon the same, and file the said certificate with the county clerk of the county in which said live stock shall be first brought for the above purpose.

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SECTION 3.

It shall be the duty of the county clerk, upon such certificate being filed as aforesaid, to keep an index of the same in his office for the inspection of all persons, and within ten days after the filing of the same to certify a copy of said certificate under his hand to the assessor of the County.

It shall be the duty of the County Assessor to immediately enter an abstract of said certificate upon the tax list for the current year. If such certificate is filed with Assessor prior to the annual levy of taxes by the board of County Commissioners, such assessor shall enter said assessment upon his assessment rolls, unless such rolls have already been completed, in which event he shall make a supplemental report, including all assessments of this character.

If such assessment is made after the annual levy has been made, the said Assessor shall transmit said copy to the County treasurer of the county, who shall immediately enter an abstract of such certificate upon the tax list for the said year, and shall proceed to collect the sum of money due and payable, from the person so keeping and herding said live stock, or his agent, and in the event that it is necessary for the said treasurer to collect the taxes due upon such live stock by distress [duress] and sale of said live stock, and all necessary expenses and costs accruing from such sale shall be deducted in the same manner as is now provided by law for the collection of taxes assessed upon personal property, without any further warrant to him for that purpose.

SECTION 4.

Any person named in Section 2 of this Act, or his agent, who shall bring live stock into this state for grazing purposes, prior to the levy of the regular tax by the board of County Commissioners of the county into which the said live stock are brought, shall be required by the assessor of the county wherein the said live stock may be kept and herded to pay the sum of forty cents on each and every head of cattle, and ten cents on each and every head of sheep, or any other live stock, brought into such county for the purpose of grazing as aforesaid; provided, however, that the said payment of forty cents per head on cattle and ten cents per head upon sheep and other live stock, shall at the end of such year be returned to the said person paying the same, upon a showing that he has paid the regular annual tax in that county for that year, upon all of said property, the same

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as other persons have paid upon like property permanently located in this State; or such portion of said payment shall be returned as may exceed the amount of regular county taxes, for the said year; provided, that such rebate shall be paid in a county warrant or certificate of indebtedness, issued by order of the board of county commissioners of said county; and, provided, further, that any person so bringing any live stock into any county of this State from any other state or territory, in the manner hereinbefore provided, in lieu of the payment of the said forty cents on each and every head of cattle, and ten cents per head on each and every head of sheep or other live stock, may execute a bond to said county, with two or more sureties, to be approved by the county treasurer, conditional that such person will regularly enlist the said live stock for taxation in such county for that year, in the manner provided by law, and will punctually pay all taxes which may become due thereon during that year, and in such case the said charge of forty cents per head upon cattle and ten cents per head upon sheep and other live stock, shall not be collected.

SECTION 5.

Any person named in Section 2 of this Act, or his agent, who shall bring any live stock into this state for grazing purposes, and shall keep and herd the same in any county of the state without first filing said certificate, and without paying the amount of money per head, as hereinbefore provided, or giving the bond named in Section 4 of this Act, shall be fined in a sum of not less than ten dollars nor more than one hundred dollars and shall further forfeit and pay the sum of fifty cents for each and every head thereof, for the use of said county, which said forfeit shall be collected by a civil action in the name of the county in which the said live stock are, or were, so kept and herded.

SECTION 6.

It shall be the duty of the county commissioners of the county in which such live stock shall be kept and herded without having first complied with the provisions of this Act, upon receiving satisfactory information of such fact, to institute such civil action in the name of the county, against the person so keeping or herding such live stock, or his agent. If the owner of such live stock be not known to such commissioners, it shall be lawful to make the agent of such person, or any person having the care and custody of such live stock the defendant in such action, and service of the summons upon such

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agent, or person having the care and custody of such live stock, shall be considered and held to be personal service upon the owner thereof.

SECTION 7.

If any person having the care and custody of such live stock shall, pending an action instituted as provided in the last section, drive or move said live stock out of the county with intent to move the same out of the state, or with intent to evade the payment of the forfeiture hereinbefore named, upon affidavit to that effect being made and filed in, and action being brought to recover said forfeiture or tax herein provided, writs of attachment may issue as in civil actions and the proceedings therein shall be as in other cases, except that no undertaking on attachment shall be required; and in addition thereto, any person so driving or moving such live stock shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and by imprisonment in the county jail for not exceeding six months, for each and every offense.

SECTION 8.

In addition to the other duties prescribed by law, the assessor of each county is hereby required to present to the board of equalization of each county, a statement setting forth such live stock and all other property which has not been assessed, or which has been assessed for less that its correct value, by reason of erroneous reports, and it shall be the duty of said board of equalization to immediately, while sitting as such board, investigate and in the event that the person owning such property has been assessed for a smaller amount of property, or a less valuation than should properly have been given, to correct such assessment in the manner provided for the correction of assessment by the board of equalization.

SECTION 9.

Any county officer or member of the board of county commissioners or board of equalization, who shall fail to perform the duties prescribed in this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty five dollars, nor more than five hundred dollars.

SECTION 10.

All acts and parts of acts in conflict herewith are hereby repealed.

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SECTION 11.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 14th, 1901

SENATE BILL NO. 26.

An Act to provide for the Publication of Occupation License Moneys, collected by County Treasurers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. On the first Mondays of June and December, in each year, the county treasurer of each county in the State of Montana shall prepare a tabulated statement of all moneys received or collected by him, in his official capacity, during the preceding six months, for or on account of occupation licenses, showing the name of each person, firm, association or corporation, from whom received, and the amount received from each and the occupation of each such person, firm, association or corporation, so paying any such sum of money, and the date from which and the date to which occupations license was issued to each such person, firm, association or corporation in return therefor: and he shall publish in the next issue of the official newspaper of his county, at the expense of the county, said tabulated statement, one time, with a certificate, over his official signature, that the said tabulated statement is correct and that said statement is a complete statement of all occupation license moneys received by him during the six months next proceding [preceding] the compilation of said statement.

Section 2. Any county treasurer failing to comply with the provisions of this Act, upon conviction thereof, shall be guilty of a misdemeanor.

Section 3. This Act shall take effect from and after its passage and approval by the Governor.

Approved March 4th 1901

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SENATE BILL NO. 5.

An Act to provide for the Issuance of License to Honorably discharged Soldiers, Sailors and Marines of the Military and Naval Service of the United States in the late War of the Rebellion, who desire to carry on the business of Peddler or Auctioneer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every honorably discharged soldier, sailor, or marine of the military or naval service of the United States, who is a resident of this State and a veteran of the late Rebellion, shall have the right to peddle, hawk, vend and sell his own goods, and to engage in the business of auctioneering, without paying for the License as now provided by law, by those who engage in such business, but any such soldier, sailor or marine may engage in such business by procuring a license for that purpose as provided in the next section of this Act.

Section 2. On presentation to the Clerk of any County in which such soldier, sailor or marine may reside, of a certificate of honorable discharge from the army or naval service of the United States, in the war of the late Rebellion, such County Clerk shall issue without cost to such soldier, sailor or marine, a license authorizing him to carry on the business of peddler or auctioneer.

Section 3. This Act shall take effect from and after its passage and approval.

Approved February 21st, 1901

HOUSE BILL NO. 1.

An Act for the Protection of the Health of Men Employed in Underground Mines and in Smelters, Stamp Mills, Sampling Works, Concentrators, or any works where Ores are Mined or Reduced, By Regulating their hours of employment and providing penalties for the violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The period of employment of working men in all underground mines or workings, shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

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Section 2. The period of employment of working men in smelters. stamp mills, sampling works, concentrators, and all other institutions for the reduction of ores, and refining of ores or metals, shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

Section 3. Any person or persons, body corporate, agent, manager or employer who shall violate any of the provisions of Sections one (1) or Two (2) of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be subject to a fine of not less than One Hundred Dollars, or more than Five Hundred Dollars, or by imprisonment in the county jail for a period of not less than One (1) month, or more than six (6) months or by both such fine and imprisonment.

Section 4. All acts, or parts of acts, in conflict with this Act, are hereby repealed.

Section 5. This Act shall not be in full force and effect until ninety days after its passage and approval by the Governor.

Approved Feby 2nd, 1901.

SENATE BILL NO. 106.

An Act Entitled An Act creating the office of inspector of coal mines, defining his duties, and providing his salary and providing penalties thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Governor, by and with the advice and consent of the Senate, shall appoint one coal mine inspector who shall hold office for the term of four years from the date of his appointment unless otherwise removed by the Governor.

Section 2. No person shall be eligible to the office of coal mine inspector until he shall have attained the age of 30 years, and been actually employed at coal mining, ten years prior to his appointment, and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines, and the nature and constituent parts of noxious gases of coal mines, and of the various ways of expelling the same from said mines. Said inspector shall be a graduate of some recognized school of mines and mining engineering, and hold a diploma from same, which shall be de-

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posited with the Governor before appointed; and further it shall be the duty of the said inspector, when not engaged in examining coal mines, to inspect quartz mines if called upon by the Governor to do so.

Section 3. Said coal mine inspector shall before entering upon and discharging the duties of his office, shall take an oath to faithfully discharge the same in an impartial manner; and for the faithful performance thereof; he shall receive a salary of two thousand dollars per annum, and all other and necessary traveling expenses.

Section 4. It shall be the duty of the said coal mine inspector to carefully examine all coal mines that may be in operation in this state at least once every two months and oftener if necessary, to see that every precaution is taken to insure safety to all workmen that may be engaged in said coal mine, and to see that provisions of Section 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, and 3365, Chapter 20, Article 1, Part 3, Title 7, of the Political Code of Montana pertaining to the regulation of coal mines are strictly observed; and all other legislation that may be enacted governing coal mines, and it shall further be the duty of the said coal mine inspector after being notified by a justice of the Peace, or Coroner, in the district wherein accidents may occur to immediately invsetigate the same.

Section 5. The said coal mine inspector while in office shall not act as agent for any corporation, superintendent or manager of any mine, and shall in no manner whatever be under the employ of mining companies, and it shall be the duty of the said coal mine inspector on or before the first day of January in every year to make a report to the Governor, of his proceedings as such coal mine inspector, and the conditions of each and every coal mine in the State, stating therein all accidents that may have happened in or about said mine, and to set forth in said report all such information that may be proper and beneficial and also to make such suggestion as he may deem important as to any further legislation on the subject of coal mining.

Section 6. It is the duty of the inspector of coal mines to visit, enter and examine any coal mine in the State for the purpose of ascertaining the conditions of the same in regard to its safety, ventilation and means of egress, and for this purpose he must have access at any and all times to any mine in the State for the purpose of inspection, but the working of such mine must not be obstructed or impeded during such examination; the inspection must not be at the expense of the

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owner, lessor, lessee, or agent of the mine being examined, but they must render such assistance as may be necessary to enable the inspector to make the examination.

Section 7. This Act shall be in force and effect from and after its passage and approval.

Approved March 18th, 1901

HOUSE BILL NO. 25.

An Act entitled, "An Act providing for the employment of a Check Weighman at Coal Mines, prescribing his duties, and providing penalty for violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The weighman employed at any mine shall subscribe to an oath or affirmation before a justice of the peace, or other officer authorized to administer oaths, to do justice between employer and employee, and to truly and correctly weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this state shall have the privilege, if they desire of employing at their own expense a check weighman, who shall have like equal rights, powers and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weigh office, and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this article, or any owner, operator or agent of any coal mine in this state who shall forbid or hinder miners employing or using a check weighman as herein provided, or who shall prevent or wilfully obstruct any such check weighman in the discharge of his duty, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred Dollars nor more than Five Hundred Dollars for each offense, or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days, or by both such fine and imprisonment, proceedings to be instituted in any court having competent jurisdiction. Whenever the Inspector of mines, or Deputy Inspector of Mines shall be satisfied that the provisions of this section have been wilfully violated, it shall be his duty to forthwith inform the

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prosecuting attorney of any such violation, together with all the facts within his knowledge and the prosecuting attorney shall thereupon investigate the charges so preferred, and if he be satisfied that the provisions of this section have been violated, it shall be his duty to prosecute the person or persons guilty thereof.

Section 2. Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines, so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatsoever, by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this Article, shall be deemed guilty of a misdemeanor, and shall, upon conviction, for each such offense, be punished by a fine of not less than Two Hundred Dollars nor more than Five Hundred Dollars, or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment, proceedings to be instituted in any court of competent jurisdiction.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 19th, 1901

SENATE BILL NO. 45.

An Act providing for a Meat and Milk Inspector in cities having 5,000 inhabitants or over within the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of meat and milk and live domestic animals intended for food purposes and prescribing penalties for the violation of the provisions of this Act.

Be It Enacted By The Legislative Assembly Of The State Of Montana:

SECTION 1.

The office of Meat and Milk Inspector is hereby created for cities having a population of 5,000 inhabitants or over within the State of Montana, and immediately after the taking effect of this Act such cities shall appoint a Meat and Milk Inspector whose compensation shall be borne by the said cities, and shall be such as will secure the services of some competent and qualified person who shall take an oath of office to

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faithfully perform the duties of his office and to execute an official bond to the said city in the sum of $5,000. No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some regular and reputable veterinary medical college, recognized by the American Veterinary Medical Association and admitted to practice within the State of Montana, and before such appointment he shall be required to exhibit his diploma as such graduate.

SECTION 2.

It shall be the duty of the city council of all cities having a population required by this act to designate some place or places in or adjacent to the city where the cattle, sheep or swine or other domestic animals intended for slaughter, sale and consumption for food in said city shall be brought for inspection on the hoof or where the meat of any such animal or animals shall be brought for inspection, which inspection shall be made without any unreasonable delay, and no fee or charge shall be made against or demanded of the owner or person who shall present any such animal or animals or meat intended for food for such inspection, but the same shall be inspected free of any expense whatever to the owner of said food animals intended for meat or on account of the services of such inspector. And it is hereby made the duty of such inspector to keep a correct record in a suitable and substantial book provided by the municipality for that purpose in which he shall record the name, place of residence and post office address of the owner or owners of all such animals intended for food and the carcasses or part of carcasses presented for inspection, together with brands and marks and a full description thereof.

SUBDIVISION 2.

The rules, regulations and methods of inspection adopted by the Bureau of Animal Industry, conducted by the United States Government, shall be taken as the standard of meat inspection and shall be followed as closely as may be consistent by the Meat and Milk Inspectors appointed by the said cities.

SECTION 3. SUBDIVISION 1.

All animals intended to be slaughtered for meat for human consumption shall be examined both before and after slaughter.

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SUBDIVISION 2.

The carcasses of all animals so inspected on hoof shall be properly tagged and marked with the official tag or mark of such municipality before being offered for sale, and such carcass or parts of carcass of any of the animals mentioned in this Act where the animals shall not have been presented for inspection on hoof before being slaughtered shall be inspected before being offered or exposed for sale, and such carcass or carcasses or meat as shall be found upon such inspection and examination to be wholesome and fit for food shall be marked as above mentioned by the inspector with a tag similar in form and character to that used by the Bureau of Animal Industry, Department of Agriculture, which tag shall be adopted and designated by the city council of such municipality as the city stamp or certificate for the designation of wholesome and healthy meat. Provided, that nothing herein contained shall be so construed as to prevent any person from slaughtering any healthy animal the meat of which is intended for his own use or that of his family, but shall not be offered for sale for public consumption.

Provided, further, however, that nothing in this Act shall be so construed as to permit any person to slaughter and offer for sale any meat or meats intended for domestic consumption before being inspected on the hoof, excepting where such slaughter may be conducted in a locality inaccessible to said municipal meat and milk inspector.

SECTION 4.

It shall be the duty of the inspector to make inspection of the meats, carcasses and animals mentioned in this Act which may be presented for inspection at the place or places designated by the municipal council and keep the record aforesaid in the manner herein provided, which inspection or inspections shall be made by him as soon as possible and without unreasonable or unnecessary delay and he shall attach to all such meats so inspected and examined and found suitable and wholesome and fit for consumption a tag such as is prescribed above, indicating that fact.

SECTION 5.

The Meat and Milk Inspection [Inspector] appointed by said cities shall have the right to condemn any meat, carcass or carcasses, or parts thereof, of all cattle, sheep, swine or other domestic animal intended for food which they find after examination to be unfit for food, and it

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shall be said inspector's duty to destroy all such condemned meat by slashing said meat and muscular tissue deeply in numerous places with a knife into which he shall then pour sufficient kerosene to taint such meat and make it impossible to be used for human consumption.

SECTION 6.

It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away for the purpose of food, any animal suffering from hog cholera, swine plague, charbon or anthrax, rabies, malignant epizootic, catarrh, pyaemia and septocaemia, mange or scab in advanced stages; advanced stages of actinomycosis or lumpy jaw, inflammation of the lungs, the intestines or the peritoneum; Texas fever; extensive or generalized tuberculosis; animals in advanced stage of pregnancy or which having recently given [birth] to young; any disease or injury causing elevation of temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food; any organ or part of the carcass which is badly bruised or affected by tuberculosis, actinomycosis, cancer, abscess, suppurating sore or tape worm cysts; animals too young and immature to produce wholesome food; animals too emaciated and anaemic to produce wholesome meat; distemper, glanders and farcy or any other malignant disorder; acute inflamatory lameness and extensive fistula.

SECTION 7.

Any person or persons, company or corporations which shall sell or offer for sale, buy or offer to buy, take or give away within the limits of said city any carcass or carcasses or portion theerof of any cattle, sheep or swine or other domestic animal which has not been inspected and tagged as herein required, except as herein stated, or shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than $50 nor more than $500 for each separate offense.

SECTION 8.

Nothing in this act nor any paragraph thereof shall be so construed as to interfere with the offering for sale of any meats bearing a stamp or tag indicating that the same has been inspected by the United States Bureau of Animal Industry or of any state, county or municipal meat inspector where regulations equal to those prescribed herein are ob-

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served. Provided however, that if there is any reason to believe that such meat is in a putrid, decaying or unwholesome condition, it shall be said municipal meat and milk Inspector's duty to inspect such meat whenever complaint is made to him relative thereto, and should he find such meat in a putrid, decaying or unwholesome condition, it shall then be his duty to destroy such meat as is herein provided.

SECTION 9.

And it shall be the duty of said Meat and Milk Inspector to inspect each dairy supplying milk to such municipality, not less than once in every month of the calendar year.

And it shall be the duty of such Inspector to issue to each person or persons or corporations supplying milk to the citizens of such municipality a certificate of health every ninety days, which certificate of health shall include a certificate of the sanitary conditions of said dairy and must specify each and every cow within said dairy from which milk is supplied to the public.

SECTION 10.

It shall be a misdemeanor for any dairyman, person, persons, or corporation to feed unwholesome food of whatsoever character and for each offense the owner or owners of such dairy shall be fined not less than $50 nor more than $500. Each dairyman, person, persons or corporation supplying milk to the public must have for each cow a certificate of health, including the tuberculin test made by said inspector, stating that said cow is free from tuberculosis or consumption or anv infectious or other disease whatsoever.

SUBDIVISION 2.

Any dairyman having in his own family or among his employes, or about his premises any one suffering from diphtheria, scarlet fever, Typhoid fever or any infectious or contagious disease that may or might contaminate said milk, is prohibited from selling said milk to the public for such period as such disease or diseases exist in his or her family or among his or her employes and said inspector as [has] satisfied himself that such premises have been thoroughly disinfected and has issued a certificate so stating.

SECTION 11.

The milk supplied by said dairies or purveyors of milk, shall not con-

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tain less than three percentum of butter fats or less than twelve per centum of total of milk solids, and shall come up to a normal and accepted specific gravity test for milk, not less than 1025.

SECTION 12.

When, in the belief of the said meat and milk inspector proper cleanliness of the buckets, pans, cans, and other utensils used about, accumulating, handling and marketing of said milk is not up to the proper standard, it shall be the inspector's duty to prohibit said dealer, person or persons or corporations, from selling milk until such time as proper methods of cleanliness and precaution are used in its handling.

SECTION 13.

All persons or corporation engaging in the dairy business and supplying milk to the citizens of said municipalities shall keep their barns and stables free from filth or dirt or rubbish or manure likely to harbor or favor the growth of disease,-producing germs within or about their stables likely to be carried within said milk.

SECTION 14.

It shall be the duty of said inspector to stop at any time he may deem fit any dairy wagon, cart, or vehicle of any character, person, or persons hauling, carrying or conveying milk that is intended for public consumption, and there and then take cognizance of any irregularity in such milk or the method of handling or distributing said milk. He shall ascertain if it is not up to the regular standing, or the recognized standard to which milk should come, and if he finds said milk deficient in any of its nutritive qualities or to contain any drug or preservative or coloring matter or other extraneous matter, he shall there and then condemn such milk; and such dairyman or milkman, or person or persons or corporation whose product shall be condemned shall be prohibited from selling any milk until they shall have received a written permit from said inspector permitting him so to do. Provided, that such inspector, [shall], if requested by such dairyman, take from the same can of milk from which he shall have taken any quantity of milk for the purpose of testing the same at least one pint of such milk, place the same in a bottle, adding sufficient formaldehyde to such milk to prevent fermentation and seal and mark such milk in such manner as to identify the same and deliver the same to such dairyman who may

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have said milk analyzed and tested by any chemist competent to test and analyze such milk in order that said dairyman may ascertain the correctness of the inspector's analysis of such milk. Provided, that at the time of taking such specimen for said dairyman and for said inspector a third specimen shall be taken by said inspector consisting of not less than one pint of said milk, which shall be taken from the same can from which the other specimens were taken which must be sealed in the presence of said dairyman, person, persons or agent and which said specimen shall be immediately forwarded to the Chemist of the Agricultural Experiment Station at Bozeman for analysis, and said chemist of said Agricultural Experiment Station shall in all cases, when so requested by said dairyman, person or persons or corporation act as umpire in said chemical analysis.

SECTION 15.

Any resident of the State of Montana to whose knowledge or observation comes the fact that any dairyman, person or persons or corporation is supplying milk from any diseased cattle, or cattle fed on stable bedding, stable refuse or other improper food of any character whatsoever, it shall be his duty to at once notify said inspector of such municipality who shall at once visit the premises or place indicated and if he finds the complaint to be true it shall then be the said inspector's duty to at once prohibit the further selling of the product of such dairy or dealer and at once file an information against said dairyman, person, persons, corporation or dealer in the nearest court.

SECTION 16.

This act shall apply to all the products of the dairy in any municipality to which this Act applies where sold in the state, county or any municipality to which the district covered by said inspector belongs.

SECTION 17.

It shall be a misdemeanor to adulterate milk in any manner whatsoever in a way likely to produce an unwholesome change in said milk, or disease to the consumer, and such milk shall be prohibited from exposure to sale, and any violation of this section shall be a misdemeanor and be punished as is herein mentioned within the meaning of this Act. The use of any product or any unnatural method whatsoever for the preservation or changing of milk excepting pasteurizing or sterilization, shall be a misdemeanor and be punished as is provided for in this Act.

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SECTION 18.

Any City in the State of Montana having a population of less than 5,000, inhabitants shall have the option of adopting the sanitary provisions of this Act. Provided however, that it shall be unlawful to offer for sale, take or give away any meat from a diseased animal coming under the provisions of this act or any milk from a diseased cow or adulterated or chemically preserved milk or milk containing any extraneous substance within the provisions of this act within the state of Montana.

SECTION 19.

Any violation of the provisions of this Act shall be a misdemeanor and shall be punished by a fine of not less than $50 nor more than $500 for each separate offense.

SECTION 20.

This Act shall take effect and be in force from and after the first day of May, 1901.

SECTION 21.

All Acts and parts of acts in conflict herewith are hereby repealed.
Approved March 14th, 1901

SENATE BILL NO. 65.

An Act Creating a Board of Park Commissioners as a Department of the City Government in Cities of the First Class, Defining its Powers and Duties, Fixing the term of Office of Commissioners and Providing for their appointment by the Governor.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That there is hereby created in all cities of the first class a board of Park commissioners which shall be composed of the mayor of the city and six other persons to be appointed by the governor of the state. The six persons so to be appointed shall have the same qualifications for the office of park commissioners as are required by Section 4749 of the Political Code for the office of mayor.

The term of office of each park commissioner shall be two years

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from and after the first day of May of the year in which he is appointed and until his successor is appointed and qualified, save and except that three of the commissioners first appointed shall hold office for the period of one year from and after the first day of May, 1901, and until their successors are appointed and qualified.

Such board of park commissioners shall constitute a department of the city government with the powers in this act provided. Before entering upon the discharge of his duties, each park commissioner shall take and subscribe the oath provided by Section 1010 of the Political Code, which oath shall be filed in the office of the city clerk.

On the first Monday of May in each year, said board of park commissioners shall meet and organize by electing one of their number president and one of their number vice-president who shall hold their office respectively for the term of one year. The president, and in his absence the vice-president, shall preside at all meetings of the board and shall countersign all warrants issued by the board and perform such other duties as shall be required and directed by the board.

The city clerk shall be ex-officio clerk of the board of park commissioners and shall attend all meetings of said board and keep correct minutes of all proceedings of said board in a book to be provided for that purpose by it, to be called "Record of Board of Park Commissioners of the City of ————." It shall be the duty of the city clerk, as such clerk of the board of Park commissioners, to keep an accurate account of all transactions of said board separate from other city accounts, and to make and submit in writing to said board at its first meeting in January in each year a report under oath showing in detail all of the receipts and disbursements made by the board during the year, which report shall be in duplicate, and after being approved by said board, one of said duplicates shall be filed in the office of the city clerk and one in the office of the city treasurer, and he shall perform such other services as the board shall require. In the absence of the clerk at any meeting held by the board, it shall designate one of its number as clerk pro tem to keep the minutes of said meeting, which minutes shall be delivered to the clerk to be transcribed into the record book of said board. The minutes of said meeting in said record book contained when approved by the board shall be prima facie evidence of the matters and things therein recited in any court of this state.

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SECTION 2.

The board of park commissioners shall have the management and control of all parks belonging to the city and of all trees and other plants upon the streets, avenues, boulevards and public places within the city, and the right to designate the character and quality of all trees and plants planted in such parks, streets, avenues, boulevards and public places.

Said board of park commissioners shall have the following powers and be charged with the following duties:—

1.

To lay out, establish, improve and maintain park-ways, drives and walks in the parks of the city and to make plats thereof and to file the same in the office of the city clerk and to determine when and what parks shall be opened to the public.

2.

To cultivate, plant, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the parks belonging to the city and in the streets, avenues, boulevards and public places of the city and for that purpose to establish and maintain nurseries for the growth of trees and plants.

3.

To make all rules and regulations necessary or convenient to protect and promote the growth of trees and plants in parks, streets, avenues, alleys, boulevards and public places under the care and control of said board, and for the protection of all birds inhabiting, frequenting or nesting in such parks, streets, avenues, boulevards and public places, and all rules and regulations for the use of parks by the public, and to provide penalties for the violation of such rules and regulations which rules and regulations shall have the force of city ordinances and be enforced in like manner as ordinances of the city are enforced.

4.

To employ and discharge workmen, laborers, engineers, foresters and others and to fix their compensation, "which shall be not less than the union scale of wages in force in each individual city of the

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first class," and to make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon said board by this act, and to pay all obligations authorized to be incurred by the provisions of this act.

5.

To lease all lands owned by the city heretofore acquired for parks, whether within or without the city, which in the judgment of the board it shall not be advisable to improve as parks upon such terms and conditions as the board shall deem to be for the best interests of the city, provided that such lands shall not be leased for a longer term at any one time than five years, and not for a longer time than one year without the concurrence of two-thirds of the entire board of park commissioners.

6.

To raise by taxation such a sum each year as the board shall determine to be necessary to defray the expenses of carrying out the work of said board not exceeding, however, in any one year a sum equal to an assessment of one-tenth of one per cent. upon all of the taxable property of the city as the same appears by the assessment roll of the county for said year.

7.

All other powers incident to the duties enjoined by the provisions of this act.

SECTION 3.

All moneys paid out by the park commissioners under the provisions of this act shall be by warrant drawn upon the city treasurer which shall be signed by the city clerk and countersigned by the president or in his absence by the vice-president of the board of park commissioners. All moneys raised by tax for park purposes or received by the board of park commissioners for the sale of hay, trees, plants, or from the leasing of park lands, or from any other source shall be paid into the city treasury, and the city treasurer shall keep all such moneys in a separate fund to be known as the park fund. Such board shall have no power to incur liability on behalf of the city in excess of moneys on hand in, or taxes actually levied for, said park fund.

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SECTION 4.

Said board of park commissioners shall hold an annual meeting on the first Monday of May, and a meeting at least once in each month in each year at such times as the board shall by rule prescribe. Special meetings may also be held at the call of the president or in his absence the vice-president upon giving to each member of said board at least twenty-four hours notice in writing of the time and place of holding such meeting. A majority of the entire board shall be necessary to constitute a quorum for the transaction of the business of said board.

No park commissioner shall receive compensation for his services rendered under the provisions of this act, but the actual and necessary expense incurred by any member of the board while acting under the orders of the board in the transaction of any business in its behalf may be paid upon being allowed and audited by the board.

No park commissioner shall be interested in any contract made by the board or by its authority or in the furnishing of any supplies for the use of the board.

Any park commissioner who shall refuse or neglect for the period of three consecutive months to attend the meetings of said board without leave of absence from said board or who shall fail for the period of twenty days from and after his appointment to qualify as in this act provided, shall be deemed to have vacated his office, and thereupon his successor may be appointed.

All contracts made by said board shall be in the name of the city and shall be signed by the city clerk and by the president, or in his absence by the vice-president, of said board.

SECTION 5.

The board of park commissioners shall in each year on or before the day when the city council shall be required by law to make the annual levy for taxes for city purposes, make an estimate of the amount of money necessary to be raised for park purposes for said year to carry out the purposes of this act, and shall certify the amount of such estimate to the city council which certificate shall be in writing and shall be signed by the president, or in his absence by the vice-president, of said board of park commissioners and by the city clerk and shall be filed in the office of the city clerk, and there upon it shall be the duty of the city council to cause the sum stated in said certi-

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ficate to be included in the assessment of city taxes for said year and such sum shall be levied and collected in the same manner as other city taxes are levied and collected, and when collected shall be kept in the park fund to be paid out upon the warrants of the board of park commissioners and not other-wise.

SECTION 6.

Said board of park commissioners shall, at its first regular meeting in each month, audit and allow all just claims against the city, liability for which shall have been incurred by said board; but no claim shall be audited or paid until an itemized account of such claim in writing verified by the oath of the claimant or his or its authorized agent shall have been filed in the office of the clerk of said board; provided that no order or resolution providing for the payment or expenditure of money or creating an obligation in excess of the sum [of] Twenty-five dollars, or authorizing the making of any contract, shall be passed or adopted except by a yea and nay vote, which vote shall be recorded in full in the minutes by the clerk.

SECTION 7.

The governor of the state shall as soon after the passage of this act as may be and on or before the first day of May, 1901, nominate and appoint six residents of each of the cities of the first class having the qualifications in this act provided who shall serve as park commissioners for said cities respectively, three of whom shall hold their offices for the period of one year from and after May 1, 1901, and until their successors are appointed and qualified and three for the period of two years from and after the first day of May, 1901, and until their successors are appointed and qualified, and annually thereafter on or before the first day of May shall appoint for each of said cities three park commissioners having the qualifications as aforesaid whose term of office shall each be two years and until their successors are appointed and qualified.

Provided, however, that the first appointees of said Board of Park Commissioners shall not be appointed until a petition requesting such appointments, and signed by at least two hundred resident free-holders of the city for which such appointments are to be made. shall be presented to the Governor.

When a vacancy shall occur in the office of park commissioner, the governor upon being notified of such vacancy by a certificate signed

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by the president and clerk of said board, shall nominate and appoint a successor for the unexpired term of the person whose office has become vacant.

SECTION 8.

This Act shall be in full force and effect from and after its passage and approval by the governor.

Approved March 7th 1901

HOUSE BILL NO. 133.

An Act to Amend Sections 4 and 7 of an Act Relating to Public Improvements in Cities and Towns, Approved March 8th, 1897.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section IV of an Act relating to public improvements in cities and towns, approved March 8, 1897, be, and the same is hereby amended to read as follows:

Section IV. The resolution must designate the boundaries of the district to be affected or benefited by said improvement. Upon adopting such resolution, the Council must give notice of such intention, which notice must be published for five days in a daily newspaper, or in some one issue of a weekly paper published in the city or town, or posted for five days in three public places in the city or town, or served upon the owners or agents of the property affected. Such notice must describe the improvements so proposed to be made, and state the estimated cost thereof, and designate the time for such hearing, and shall refer to the resolution entered upon the journal of the council for the description of the boundaries. If, at or before, the time so fixed, written objections to such improvements, signed by the owners or agents of two-thirds of the property to be affected or benefited by said improvements, be filed with the city clerk, the city or town council shall not make such improvements but if objections be not so filed by the owners or agents of two thirds of the property to be affected or benefited, then the council acquires jurisdiction to order the making of the improvements.

Section II. That Section VII of an Act relating to public improvements in cities and towns, approved March 8, 1897, be, and the same is hereby amended to read as follows:

Section VII. District sewers may be established within the limits

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of districts to be prescribed by ordinance, and so as to connect with the public sewer or some course of drainage. The council may cause sewers to be constructed in any district whenever the owners of one third of the feet frontage of the real estate within that part of the district affected thereby, petition therefor, or whenever the council by the vote of a majority of its members decide it is necessary for sanitary purposes; provided, however, that before the council shall formally require the construction of the improvements mentioned in this section, notice shall be given and an opportunity for hearing afforded as provided in Section IV, but after notice, the council, notwithstanding any objection that may be offered, may require the improvement to be made unless the resolution relating thereto be rescinded by the vote of a majority of the members of the council.

Section III. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section IV. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 14th, 1901

HOUSE BILL NO. 104.

An Act Entitled, "An Act Creating a State Board of Health, Defining its Powers and Duties and Providing for the Compensation of its Officers, and Providing for the Enforcement of the Rules and Regulations of said Board."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. A Board is hereby established which shall be known under the name and style of the "State Board of Health of Montana;" it shall consist of seven members, as follows: four members, one of whom shall be an experienced civil engineer, and three of whom shall be experienced physicians, to be appointed by the Governor, with the advice and consent of the Senate, and a Secretary, as provided in Section 4 of this Article; these five, together with the Attorney General of the State, and the Governor of Montana, who shall be ex-officio members, shall constitute the Board of Health; the persons so appointed by the Governor shall hold office for four years; provided, that those first appointed shall be so classed by the Governor that the term of two shall expire on the last day of January in

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every second year; thereafter,the Governor, with the advice and consent of the Senate, shall biennially appoint two members in the place of those two whose terms shall so expire, who shall hold office for four years, and all vacancies occurring otherwise shall be filled by the Governor, with the advice and consent of the Senate.

Section 2. The State Board of Health shall have the general care of the sanitary interests of the people of this State; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics, the causes of mortality and the influence of locality, employments, habits, and other circumstances and conditions, upon the health of the people; they shall inquire into and investigate all nuisances affecting the public health in any county, city or village in the State and are authorized and empowered, by information or petition filed in the name of the Board, to apply to any judge of the District Court, or to the court in session, for the county in which said nuisance shall exist, at any time, for an injunction to restrain, prevent and abate such nuisance, no matter by whom or by what authority committed, and such judge or court has power, on proper showing, to enjoin, restrain and abate the same.

Section 3. The said Board shall meet quarterly in the City of Helena, and at such other times and places as they shall appoint, a majority to be a quorum for the transaction of business; they shall elect one of their number to be President of the Board, and adopt all needful rules and regulations subject to the provisions of this Act; they shall organize as soon as practicable in every city or village in the State, local boards and advisory committees, to serve without pay, to assist the Board in the proper performance of its duties, and to make a report quarterly to the Board of the sanitary conditions of their respective city, village or district. The Board shall have authority to send its secretary or committee of the Board to any part of the State, at any time when necessary, to investigate the cause of any special or unusual sickness or mortality.

Section 4. In the event of an epidemic or pestilential disease occurring in any county, city or village of the State, the Board shall forthwith cause all needful sanitary measures and precautions to be taken which the emergency may call for, and which may be consistent with law; and upon application of said Board, the State Auditor is hereby authorized to draw his warrant upon the Treasurer in favor of the Governor of the State for such amount as may be necessary, to be paid out of the General Fund of the State Treasury, to be applied

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and expended under the direction of said Board of Health in carrying out such needful sanitary measures and precautions.

Section 5. At their first meeting, or as soon as a competent and suitable person can be secured, the Board shall elect a Secretary, who shall be an educated physician and experienced in sanitary science, and who by virtue of such election shall be a member of the Board, and its executive officer. The Board may elect one of their own number Secretary, in which case the Governor shall, with the advice and consent of the Senate, appoint another member to complete the full number of the Board.

Section 6. The Secretary shall hold office as long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the Board, a majority of the members voting therefor; he shall keep a record of the transactions of the Board, and an account of all expenditures by it; he shall, whenever necessary or practicable, correspond and consult with boards of health in other States, and with local boards and health officers in this State, and secure an interchange of all useful sanitary information, especially respecting causes, treatment and progress of epidemics; he shall keep on file all reports received from such boards, and all correspondence relating to the duties of this Board; he shall prepare blank forms of return and such instructions as may be necessary, and forward them to the several local boards of health throughout the State; he shall, when requested by local boards, visit their respective districts, cities or villages, to investigate the cause of any existing disease, and shall from time to time, whenever directed by the Governor or Legislature, make special inspections of public hospitals, asylums and other institutions, and shall, at each session of the Legislature, submit, through the Board, a full report of his investigations, and such suggestions and recommendations as he may deem proper; he shall, when required by the Board or other proper authorities, advise in regard to the location, drainage, water supply, disposal of excrement, heating and ventilating of any public institution or building belonging to the State; he shall collect information concerning vital statistics, prevailing diseases, and the general hygiene of the State, and through an annual report and otherwise, as the Board may direct, shall disseminate such information among the people; he shall receive from the Treasury, in monthly payments, an annual salary of Twelve hundred ($1200.) Dollars to be paid on the warrant of the State Auditor, and out of the General Fund of the State.

Section 7. Each member of the State Board of Health shall re-

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ceive the sum of five dollars per day for each day's attendance at the meetings of the Board while employed in the service of the Board, and his travelling expenses. Such necessary expenses of the Board as the State Board of Examiners shall audit, on presentation of itemized account, with vouchers and the certificate of the Board, shall be paid; provided, that such expense shall not exceed annually the sum of two thousand dollars, which shall be appropriated from the General Fund of the State.

Section 8. Whenever the State Board of Health shall have cause to believe that there is danger of any contagious or infectious disease invading this State or country, it shall be the duty of such Board to take action and adopt and enforce such rules and regulations as may be necessary to prevent the introduction of such infectious or contagious disease within this State; and any person or persons or corporations, refusing or neglecting to obey such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars for every such offense. Whenever necessary the State Board of Health shall call public conferences of health officers or may by vote of a majority of its members, send a delegate to any conference of local state or national health officers.

Section 9. There is hereby established in each county a Board of Health, which consists of the County Commissioners and one physician entitled to practice medicine and surgery under the laws of this State, who must be appointed by such Board of County Commissioners, and hold his office for the term of two years, unless sooner removal [removed] by the Board of County Commissioners. In case of vacancy in his office the Board of County Commissioners must appoint a successor for the unexpired term.

Section 10. It is the duty of the Board of Health of each County to establish for the county, or any part thereof, such reasonable sanitary rules and regulations as may be necessary to prevent the outbreak of infectious or contagious diseases. Any person failing or refusing to comply with or obey such rules and regulations is guilty of a misdemeanor.

Section 11. The Board of Health of any County may declare quarantine therein, or in any part thereof, against contagious or infectious diseases prevailing in any other place, and against all persons and things likely to spread contagion or infection. The Board has power and authority to enforce such quarantine until the same is raised by it, and may confine any person affected with or likely to spread contagious

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or infectious diseases in a suitable detention hospital prepared and used for that purpose, or if no such place is prepared by the County, then such persons shall be quarantined in his or her home or abode.

Section 12. Every practicing physician must report promptly to the County Board of Health of the county in which there are any diseases of an infectious or contagious nature, under treatment by him, and the Board must at once take the necessary precautions to prevent the spread of the same.

Section 13. All necessary expenses incurred by the Board of Health of any county in enforcing the provisions of Sections 9, 10, 11, and 12, of this Act, must be paid out of the County Treasury of the County for which the expenses are incurred, from the General Fund of the County.

Section 14. The local Board of Health of each county shall meet semi-annually in the Months of May and October, and as much oftener as they may deem necessary, and may adopt all needful rules and regulations for the government of their respective bodies, subject to the provisions of this Act; they shall establish the salaries of their respective health officers, and shall regulate all fees and charges in connection with the State Board of Health, and report to the State Board such facts in reference to the sanitary condition of their respective counties as they deem important or necessary.

Section 15. Such local Board of Health shall take cognizance of all unhealthy nuisances within the limits of their sanitary jurisdiction; and any person or corporation refusing or neglecting, after due notice, to comply with the requirements of said Board in this respect, shall be liable to a penalty of not exceeding fifty dollars; all questions arising between local Boards as to jurisdiction or their relative duties in the abatement of any particular nuisance shall be referred to the State Board of Health for settlement.

Section 16. It shall be the duty of every county health officer, immediately upon his appointment, to transmit to the Secretary of the State Board of Health his full name and post office address; he shall keep accurate record of the proceedings of the local Board of Health of which he is the Secretary, as well as his own official acts, and furnish a copy thereof annually, in the month of October to the Secretary of the State Board of Health, together with such other information in regard to the sanitary condition of his county as he may deem interesting or valuable for publication in the biennial report of the State Board of Health.

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Section 17. Whenever any local or county health officer shall receive reliable notice, or shall otherwise have reason to believe that there is within the limits of his sanitary jurisdiction a case of small-pox or other disease dangerous to the public health, he shall immediately investigate the matter and take all proper steps for the restriction or suppression of such disease or diseases, and the said County Commissioners may incur and pay as other county expenses are paid, the necessary and legitimate expenses thereof. All cases of small-pox, plague or yellow fever shall be removed to a suitable detention hospital prepared and used for that purpose; if no such place is prepared by the county, then such persons shall be quarantined at their homes. The local or county health officer shall promptly notify the Secretary of the State Board of Health of the existence of any epidemic or unusual sickness or mortality that may come to his knowledge within his own sanitary jurisdiction or contiguous thereto, and when thus informed it shall be the duty of the Secretary, of the State Board of Health, to co-operate with and aid the local health authorities in making scientific and practical investigation into the cause or causes of existing disease, and in devising the most efficient means for its restriction or repression or for the exclusion of any threatened disease; and to this end he may exercise all the powers of the State Board of Health. All questions or disputes between the practicing physicians and the various boards of health shall be referred to the State Board of Health for settlement, whose decision shall be conclusive and final except in cases of fraud corruption or undue influence.

Section 18. When the health authority of any city or town, of any county, is of the opinion, on the certificate of a qualified medical practitioner, that the cleansing and disinfection of any house or any part thereof, and of articles therein likely to retain infection, would tend to prevent or check infectious diseases, it shall be the duty of such authority to give notice in writing to the owner or occupant of such house or part thereof, requiring him or her to cleanse and disinfect such house or part thereof, and articles, within a time specified in such notice; and if the person to whom such notice is given fails to comply therewith, he or she shall be liable to a penalty of not less than five dollars for every day during which he or she continues to make default; and the health officer shall cause such house or part thereof, and articles, to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupant in default as other fines and forfeitures are recovered: provided, that where the owner or occupant of any such house or part thereof is, from poverty or otherwise, unable in the opin-

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ion of such health officer effectually to carry out the requirements of this Section, such authority may, without enforcing such requirements on such owner or occupant, cleanse and disinfect such house or part thereof, and articles, and the city, if within the city limits, or the County, if without the city limits, in which such house is situated, shall defray the expenses thereof.

Section. 19. Where any suitable hospital or place for the reception of the sick is provided within a convenient distance, any person who is suffering from any dangerous infectious disease, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board of any ship or vessel, may, on a certificate signed by a qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed by order of any health officer to such hospital or place, at the cost of the city or county in which such case may occur; and any person who wilfully disobeys or obstructs the execution of such order shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in jail, in the discretion of the court, not less than one nor more than six months.

Section 20. Any person who, while suffering from any dangerous infectious disorder, wilfully exposes himself or herself without proper precautions against spreading said disorder, in any street, public place, shop or public conveyance, or enters any public conveyance without previously notifying the owner, conductor or driver that he is so suffering, or, being in charge of any person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes without previous thorough disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder, shall be liable to a penalty not exceeding five hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court.

Section 21. Any person, parent or guardian, or other party, who carelessly carries about children or others affected with infectious diseases, or who knowingly or wilfully introduces infectious persons into other persons houses, or permits children under his or her care, so infected, to attend any school, theatre, church or any public place where they will be brought into contract [contact] with others, shall be liable to a penalty not exceeding one hundred dollars for each and every such offense.

Section 22. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance, in any manner to be approved by the local health officer, after it has been used for

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the conveyance of any one suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding twenty-five dollars; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this Section.

Section 23. Any person who knowingly lets for hire any house, room or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room or part of a house and all articles therein, liable to retain infection, disinfected to the satisfaction of a qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding two hundred and fifty dollars; and any person letting for hire, or showing for the purpose of letting for hire, any house or any part of a house or room, who being questioned by any person negotiating for the hire of such house or part of a house, or room as to the fact of there being, or within six months having been therein, any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such questions, shall be liable to a penalty not exceeding five hundred dollars, or to imprisonment for a period not exceeding twelve months.

Section 24. When the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such state as to endanger the health of the inmates of the same house or room, any health officer may, on a certificate signed by a qualified medical practitioner, or on the application of three persons living in the neighborhood, order the body to be removed and buried at the cost of the city, town or county, within a time to be limited by such order; and unless the friends or relatives of the deceased undertake to bury the body within the time limited by such order, and do bury the same, it shall be the duty of the said health officer to have such body buried at the expense of the city, town or county; and any person or persons obstructing the execution of any order made by any health officer under this Section shall be liable to a penalty not exceeding two hundred dollars, or imprisonment not exceeding six months.

Section 25. The municipal or county authorities may provide for the use of the city, town or county, hospitals or temporary places for the reception of the sick: and for that purpose may themselves build such hospitals or places of reception, or enter into an agreement with any person having the management of any hospital for the reception of the sick inhabitants of their city, town or county, on payment of such

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sums as may be agreed upon; or two or more local authorities may combine in providing a common hospital.

Section 26. Any expenses incurred by the authorities of any city, town or county in maintaining a hospital or a temporary place for the reception of a patient shall be paid from the general fund of the city or county.

Section 27. It shall be the duty of every practicing physician in this State, for a reasonable fee, to vaccinate all children in the circle of his practice who may be presented to him for vaccination, if such child shall be in proper condition for such service, and he shall vaccinate all other persons not effectually vaccinated who shall request such service from him. A physician neglecting or refusing to do so shall, on conviction thereof, forfeit and pay for every offense a penalty of five dollars.

Section 28. Any physician who shall knowingly and wilfully use any virus defective in its nature, by having passed through a scrofulous system, from having been taken from one laboring under any disease of the skin, chronic sore or other febrile, or other disease, during the progress of the vaccine disease, was punctured or had sustained other injury, shall upon conviction thereof, forfeit and pay a sum not less than one hundred dollars or more than five hundred dollars for each offense.

Section 29. All fines imposed under the provisions of the preceding sections of this Act shall go to the school fund of the district in which such offense shall occur.

Section 30. Whenever any householder knows that a person within his family or house is sick with small-pox, diphtheria, membranous croup, scarlet fever, typhoid fever, measles, or any other infectious or contagious disease, dangerous to public health, he shall immediately give notice to the Board of Health of the city or county in which he dwells, and upon the death, recovery or removal of such person or persons, such of the rooms of such house and such of the articles therein, as, in the opinion of the local Board of Health have been subjected to infection or contagion shall be disinfected by said Board of Health, and a written statement of the fact of such disinfection shall be given to such householder. Any person neglecting or refusing to comply with any of the above provisions shall be punished by a fine not exceeding one hundred dollars.

Section 31. Whenever any physician knows that any person whom he is called to visit is infected with small pox, diphtheria, membranous croup, scarlet fever, typhoid fever, typhus fever, yellow fever, measles,

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or any other contagious or infection [infectious] disease, dangerous to public health, he shall immediately give notice thereof in writing over his own signature, to the Board of Health of the city, town or county in which said disease exists; and if he refuses or neglects to give notice he shall be fined not less than fifty dollars or more than two hundred dollars.

Section 32. The Boards of Health of the several cities, towns and counties shall cause a record to be kept of all reports received in pursuance of the preceding sections, and such records shall contain the names of all persons who are sick with infectious or contagious diseases, the localities in which they live, the disease with which they are afflicted, together with the date, and name of the person reporting any such cases and the record of quarantine, isolation, disinfection and other preventative measures. The Boards of Health shall give the school boards of their respective counties, cities or towns immediate information of all cases of infectious or contagious diseases reported to them according to the provisions of this Act.

Section 33. When any local Board of Health has had notice of the occurrence within its sanitary jurisdiction of a case of small pox or any other contagious or infectious disease dangerous to public health, said Board of Health shall within twenty four hours after the receipt of such notice notify the State Board of Health of the same.

Section 34. All questions of doubt concerning the cause or nature of any sickness believed or suspected to be of an infectious or contagious character, shall be referred to the State Board of Health; and the said Board shall be authorized to employ a competent bacteriologist to conduct inquiries into the nature, source and vehicle of such infectious disease. The services of a bacteriologist may be engaged by the State Board of Health, which services shall be free to all local Boards of Health, and all practicing physicians in the State, for such inquiries concerning infectious and contagious diseases as the said Board may from time to time direct.

Section 35. Every person not a legally qualified physician, practicing as a mid-wife, or acting as attendant upon women in child-bed in this State, who shall find any lying-in-women to have fever, shall forthwith notify the health officers of the district, and shall refrain from attendance upon any other parturient women, or women in child-bed, until the local health officer shall give her written permission to resume such practice. Every mid-wife, obstetrical nurse or other person, not a legally qualified physician, attending for pay or hire upon any lying-

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in-woman, or woman in child-bed, shall send his or her name and address to be registered in the office of the Register of Vital Statistics for the city, town or county in which he or she resides. And any person violating the provisions of this Act shall be guilty of a misdemeanor, and shall on conviction be fined not exceeding one hundred dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment, in the discretion of the court.

Section 36. All violations of the requirements or provisions of this Act shall be prosecuted by the County Attorney of the county in which such offense is committed.

Section 37. All Acts and parts of Acts in conflict with the provisions hereof are hereby repealed.

Section 38. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 15th, 1901

HOUSE BILL NO. 29.

An Act entitled, An Act providing that Justices of the Peace and Constables shall give bonds before entering upon the duties of their offices.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every Justice of the Peace elected or appointed, after he has received his certificate of election or appointment, shall, before entering upon the duties of his office, be required to execute an undertaking to the State of Montana in the penal sum of two thousand dollars, with at least two sufficient sureties, who shall justify according to law, and which said undertaking shall be approved by the county clerk, and, in addition, such justice shall subscribe an oath, or make affirmation, to support the constitution of the United States and the constitution of the State of Montana, and that he will well and truly perform all the duties that may be required of him by law, and which oath or affirmation shall be endorsed upon his official undertaking, which shall be filed with the county clerk.

Section 2. Every constable elected or appointed, after he has received his certificate of election or appointment, shall, before entering upon the duties of his office, be required to execute an undertaking to the state of Montana in the penal sum of two thousand

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dollars, with two sufficient sureties, and comply with the previous section, as justices of the peace are required by law to do.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

This Act shall take effect and be in force on and after its passage and approval.

Approved February 19th, 1901

SENATE BILL NO. 82.

An Act Relative to the Powers and Duties of Justices of the Peace. and fixing their Compensation in Certain Townships.

Be It Enacted By The Legislative Assembly Of The State Of Montana:

SECTION 1.

Justices of the Peace in townships containing a population of ten thousand people and not exceeding twenty thousand people, shall each receive a salary of eighteen hundred dollars per annum, payable monthly from the county treasury; Justices of the Peace in townships having a population of more than twenty thousand people shall each receive a salary of twenty-four hundred dollars per year, payable monthly from the county treasury, and Justices of the Peace in such townships shall receive no other or additional fees or compensation whatever, except that they may make a reasonable charge for performing marriage ceremonies; Justices of the Peace in townships having a population of less than ten thousand people shall receive the fees and emoluments provided for under existing laws. Justices of the Peace in townships having a population of ten thousand people and upwards shall keep their offices open for business from nine o'clock A. M. to twelve o'clock noon; and from one o'clock P. M. to five o'clock P. M. on all Judicial days, and, at such other hours on Judicial days as they may desire; and such justices shall occupy such quarters as may be furnished and selected for them by the Board of County Commissioners, and said Board may in its discretion select suitable quarters for such Justices and pay for same from moneys in the County Treasury.

SECTION 2.

Justices of the Peace in townships having a population of ten thou-

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sand people and upwards shall collect the fees prescribed by law for justices of the peace, and shall monthly pay the same into the county treasury of the county wherein they hold such office, and such fees shall be credited to the contingent fund of the county.

SECTION 3.

No justice of the peace shall practice law, draw contracts, conveyances, or other legal instruments or documents, nor shall they take any claim or bill for collection, nor act as a collection agent in any sense whatever, nor shall they perform any legal duties other than those prescribed by law as their official duties in the conduct of cases and proceedings in their courts. Any justice of the peace violating any of the provisions in this section shall be deemed guilty of a malfeasance in office, and shall forthwith be removed from his office of justice of the peace, and shall thereafter be disqualified from holding such office.

SECTION 5.

All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 6.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 22nd, 1901

SENATE BILL NO. 42.

An Act to provide for the regular inspection of Bonds of County and Township Officials.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That at the regular quarterly meetings of all boards of county commissioners in this State, in March and September, of each year, every board of county commissioners shall carefully examine all official bonds of all county and township officials of its county, then in force and effect, and investigate the qualifications and financial condition and liability of all sureties thereon and their sufficiency; and, if it appear to the satisfaction of any such board of county commissioners, or a majority of the members thereof, that any surety upon any such bond within and for its county has, since the

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approval and acceptance of such bond, died or withdrawn therefrom or removed from the state or disposed of all of his property in this state or become insane, insolvent, financially embarrassed or not good and responsible for the amount of his liability thereon, such board of county commissioners shall immediately cause the clerk of said board, for it, to notify in writing the judge of the district court of that district of its action and conclusion and all facts in connection therewith and the reasons thereof; and said judge shall forthwith take cognizance thereof and investigate such matter and take steps, by order to show cause, or other order, citation, step or action, as may be necessary to make such bond good and sufficient, according to the requirements of law in the premises, and ample security for the amount thereof.

Section 2. Any county commissioner failing or refusing to comply with the provisions of section 1 of this Act, shall, upon conviction thereof, be guilty of a misdemeanor.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved February 25th 1901

SENATE BILL NO. 59.

An Act to amend Sections 1, 2, 3, and 4 of An Act of the Sixth Legislative Assembly, entitled An Act to protect the owners of horses, and to cause the inspection of the same.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That Section 1 of an Act of the Sixth Legislative Assembly of the State of Montana, entitled an Act to protect the owners of horses, and to cause the inspection of the same, be amended so as to read as follows:

Section 1. From and after the passage of this Act, it shall be the duty of any and all persons removing or taking from this state in any manner whatsoever, any horse, mule, mare, colt, foal or filly, immediately before the shipment or removal of the same, and at the place from which the shipment is to be made, to cause the same to be inspected by a stock inspector, or the sheriff of the county, from which such stock is to be removed, as hereinafter provided.

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SECTION 2.

That Section 2 of said Act be amended so as to read as follows:

Section 2. On receiving notice from any person that he desires to remove or take from this state to be sold or used outside of this state any of the class of animals mentioned in Section 1, it shall be the duty of any stock inspector, or the sheriff of the county from which such animals are to be taken, to inspect the same, by carefully noting the brands upon such animals, and otherwise describing such of said animals as may have no brands, and to keep a record of all such inspections in a book to be provided for that purpose by the county commissioners of each county. Such descriptions shall contain:

1. The brands of all animals branded, and a description of animals not branded.

2. The number of animals inspected for removal.

3. The name of the owner or person removing the same.

4. The date of such inspection, with destination to which such animals are to be taken. If in the opinion of the officer making the inspection the person proposing to remove such stock is rightfully in the possession of the same he shall grant such person a certificate of inspection in duplicate, containing the matters herein provided, with the further statement that permission is granted to such person to remove such animals from this state. The person so receiving said certificates must deposit with the agent of the railroad company at the point from which the shipment is made the duplicate certificate referred to, which said duplicate must be filed by the agent, and must be all times during business hours accessible to the public. The agent must at the time of the receipt of the duplicate indorse upon the original certificate the date of the receipt of the duplicate.

If, however, the officers making such inspection, shall be of the opinion that such stock, or any portion thereof, is stolen, or otherwise wrongfully in the possession of the person proposing to remove the same, he shall withhold such certificate and permit to remove, until satisfactory assurance is given him of the rightful possession of such property by the person proposing to remove the same.

Such certificate of inspection shall be by the holder thereof exhibited to any person demanding to see the same.

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SECTION 3.

That Section 3 of said Act be amended so as to read as follows:

Section 3. Any railroad company or agent shipping or permitting to be shipped from any station, siding or stock yards, without first receiving the Duplicate certificate herein provided for, and indorsing on the original the date of its receipt, any of the animals mentioned in Section 1 of this Act, and any person removing or attempting to remove any of said animals without first securing a certificate of inspection, or any person in any other way violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction in any court of competent jurisdiction, shall be fined in any sum not less than fifty dollars nor more than three hundred dollars and costs, and in default of payment of such fine and costs, shall be imprisoned in the county jail until such fine and costs are discharged, at the rate now provided by law. The fine herein provided for if collected shall be paid into the county treasury to the credit of the general fund of the county where said conviction is had.

SECTION 4.

That Section 4 of said Act be amended so as to read as follows:

Section 4. For the service of inspection herein provided for the officer making such inspection shall receive three dollars per day while engaged in making such inspection, and shall receive in addition thereto his necessary actual expenses, to be paid by the person for whom the inspection is made.

SECTION 5.

That all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

SECTION 6.

That this Act shall take effect and be in force from and after the date of its passage and approval.

Approved March 11th, 1901.

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HOUSE BILL NO. 79.

An Act to provide for assistants for the office of Attorney General and fix the salaries thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Attorney General is hereby authorized to appoint two assistants, one shall be known as First Assistant Attorney General, and receive as salary the sum of Two Thousand ($2,000.00) Dollars per annum, and a Second Assistant, who shall receive the sum of Eighteen Hundred ($1800.00) Dollars per annum.

Section 2. Each of said appointees shall be persons licensed to practice law in the State of Montana, at the time of said appointment, and shall hold office during the pleasure of the Attorney General making said appointments.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect upon its passage and approval.

Approved March 9th, 1901.

HOUSE BILL NO. 89.

An Act Entitled "An Act relative to Number of Assistant and Deputy County Attorneys in Counties of the First and Second Class, and Allowing County Commissioners to Fix the Compensation Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the whole number of assistants and deputies allowed the county attorney in counties of the first and second class must not exceed two assistant county attorneys and one deputy county attorney.

Section 2. That the maximum annual compensation allowed to the assistant county attorneys named in section 1 of this Act is eighteen hundred ($1800.00) dollars per annum each, and the maximum annual compensation of the deputy named in section 1 of this Act shall be fifteen hundred ($1,500.00) dollars per annum.

Section 3. That all assistants and deputies named and appointed under the provisions of this Act shall be learned in the law and admitted to practice in the Supreme Court of the State of Montana before they shall have been appointed assistant or deputy county attorney.

Section 4. That county attorneys of counties of the first and second

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class shall have the power and authority to name and appoint the assistants and deputy provided for in this Act, and to revoke their said appointments.

Section 5. That the county commissioners of all counties shall have the power and authority to fix and determine the compensation allowed assistant and deputy county attorneys in their respective counties, not to exceed, however, the maximum sums allowed by this Act.

Section 6. All Acts and parts of Acts in conflict with this Act are hereby repealed, and this Act shall take effect from and after its passage and approval.

Approved March 4th 1901

SENATE BILL NO. 21.

An Act to create the County of Rosebud, To define its Boundaries, and to provide for its Organization.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the State of Montana embraced within the following boundaries shall be known as, and shall be Rosebud County, to-wit: Beginning at a point where the township line, running between ranges XLIV. and XLV. East, in the County of Custer, State of Montana; when surveyed and extended South, will intersect the northern boundary line of the State of Wyoming; thence North, along said township line, observing the jogs or offsets in said line, to its intersection, when surveyed, and extended, North, with the County line running East and West along, between Custer County and the County of Dawson, in said State of Montana; thence West along said County line to the middle of the main channel of the Musselshell River and the East boundary line of Fergus County; thence up the middle of said main channel of said river and along the meanderings thereof in a Southerly direction, to a point where the same is intersected by the County line running between the Counties of Yellowstone and Custer; thence in a South-easterly direction along said County line to the junction of the Yellowstone and Bighorn Rivers; thence up the middle of the main channel of the said Bighorn River and along the meanderings thereof in a Southeasterly direction to the intersection with the aforesaid Northern boundary of the State of Wyoming; thence East, along the boundary line to the point of beginning. The Town of

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Forsyth, situated within the boundaries above described, shall be the County Seat of said County of Rosebud until the permanent County Seat shall be designated in the mode and manner provided by law.

Section 2. That the indebtedness of said Custer County, as the same shall exist on the first day of March, 1901, shall be apportioned between the said Counties of Custer and Rosebud by first deducting from said indebtedness the amount of all moneys on hand and all moneys belonging to said Custer County, and also deducting the value of all real and personal property within and belonging to Custer County on the said first day of March, 1901, and the remainder of said indebtedness shall be apportioned between the said Counties of Custer and Rosebud respectively, in proportion to the amount of taxable property in each of said Counties, said amount of taxable property to be ascertained, and said apportionment and valuation of County property to be made by a Commission consisting of the Boards of County Commissioners of said Custer and Rosebud Counties and Charles H. Loud, Judge of the Seventh Judicial District, which said Commission shall meet at the Court House in Miles City, on the 15th day of March, 1901, and shall take, as the standard for such apportionment of indebtedness the assessment for the year 1900 as determined by the Board of Equalization of said County of Custer.

Section 3. That it shall be the duty of said Board of County Commissioners of Rosebud County, in the event it should be found, upon the adjustment of such indebtedness, that the said County of Rosebud should assume and pay any amount of same, to cause to be made and delivered to the said County Commissioners of said Custer County, warrants on the County Fund in the sum of One Thousand Dollars each, and fractions thereof, if such there be, for the amount found to be due, which said warrants, upon presentation, shall be endorsed by the Treasurer of said Rosebud County, "Not paid for want of funds," and shall thereafter draw interest as other County warrants.

Section 4. It shall be unlawful for said Board of County Commissioners of Rosebud County to issue any warrant or warrants in any amount or sum, or to incur any indebtedness, or enter into any contract, on incur any liability for or on behalf of said Rosebud County, until they have fully complied with the provisions of Sections 2 and 3 of this Act.

Section 5. That the Board of County Commissioners and the Treasurer of said Custer County shall, at their regular meeting during the month of March, 1901, ascertain the amount of money in the school

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fund belonging to (whether apportioned or not) the several school districts embraced within the limits of the said County of Rosebud which have been carved out of the County of Custer, and the County Treasurer of said Custer County shall, during the month of March, 1901, and upon receipt of the warrants specified in Section 3 of this Act, transfer and pay over to the Treasurer of said County of Rosebud, such moneys as may be on hand at the said March meeting of said Board of County Commissioners of said County of Custer, and as by them and the said Treasurer thereof, found to belong to the school districts of the said County of Rosebud. Said funds so transferred shall be held by the Treasurer of the said County of Rosebud, where they were originally designated and bonded.

Section 6. The following named persons are hereby appointed to the following offices, the name of the appointee being placed opposite the office to which he is appointed:

FREEMAN PHILBRICK, Commissioner.
W. W. McDONALD, Commissioner.
HUNTER TERRETT, Commissioner.
CHARLES W. BAILEY, Clerk and Recorder.
CHARLES DAVIS, Sheriff.
T. W. LONGLEY, Treasurer.
JAMES B. GRIERSON, Clerk of the District Court.
FRED L. GIBSON, County Attorney.
WILLIAM CHOISSER, Assessor.
GERTRUDE M. HIGGINS, Superintendent of Common Schools.
R. W. SNOOK, Public Administrator.
J. F. KENNEDY, Coroner.
CHARLES R. TABER, County Surveyor.

Said officers shall have the powers, duties and privileges as are by law conferred upon like officers in other Counties of the State of Montana, and they shall be entitled to receive the same emoluments, salaries and fees, as are conferred by law upon like officers of other Counties in the same class in the State, and shall in like manner give bonds and enter upon the discharge of their respective duties upon giving a bond within ten days after the passage and approval of this Act, and they shall hold their respective offices until their successors are elected and qualified, and be subject to all repealing laws applicable to other similar offices generally. The bond above provided for shall be approved in the same manner as the bond of other County officers, and filed and recorded in the office of the County Clerk of the County of Rosebud, Pro-

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vided, However, that such salaries shall not commence until such officers shall enter upon the discharge of their duties and shall have qualified according to law.

Section 7. The County Commissioners of said Rosebud County shall have authority to contract for the transcribing of such parts of the public records of said Custer County as they may deem useful and necessary to the said County of Rosebud and the inhabitants thereof, or they may appoint and depute some capable and discreet person to transcribe the same, and for such purpose shall have access to the records of said Custer County.

Said transcripts, when completed shall be carefully compared with the originals by the County Clerk of said Custer County, who shall be entitled to receive a compensation of five dollars per diem while actually engaged in the performance of such duties; and when found to be correct, shall by him be so certified under his name and seal, and thereafter the records so transcribed and certified to shall be received and admitted in evidence in all Courts of the State, and shall be in all other respects entitled to like faith and credit as said original records.

Section 8. The County Commissioners of said County of Rosebud, for the purpose of funding and paying any indebtedness which may be incurred by reason of assuming any of the indebtedness of Custer County, are hereby given, in addition to the powers already conferred on them by law, the authority to issue on the credit of their respective County, Coupon bonds, to the amount sufficient to enable them to redeem any or all legal outstanding warrants or orders, equal in amount to said indebtedness so incurred, which said bond shall be sold at no less than par and in the mode and manner provided by law for the issue and sale of County bonds.

Section 9. That the Treasurer of Custer and Rosebud Counties shall, at the time of the adjustment of the indebtedness as provided in Section 2. of this Act, make out and transmit to the County Commissioners of said Rosebud County, lists of all delinquent taxes, and the amounts of all uncollected taxes within the limits of Rosebud County, as above established, shown by the records of their respective offices.

Provided; That no delinquent taxes due the County of Custer shall be considered in the adjustment of the debt as hereinbefore provided, but it shall be the duty of the Treasurer of Custer County to collect such delinquent taxes and to turn over to the Treasurer of Rosebud County its pro rata share of said taxes as he may be able to collect within thirty

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days after making such collection, Provided, further, that should there be any surplus of funds in the hands of the Treasurer of Custer County, after the adjustment, as hereinbefore provided, Said surplus shall be divided between the Counties of Custer and Rosebud in the same manner as hereinbefore provided for dividing the indebtedness.

Section 10. All Districts and township officers within the said County of Rosebud, whose election or appointment is not herein provided for, shall or may continue to hold office and exercise the duties pertaining thereto, until the expiration of the term for which said officers were elected or appointed.

Section 11. The County boundaries of said Custer County are hereby altered to conform to the boundaries of said Rosebud County, as established by this Act.

Section 12. The said County of Rosebud is hereby added to, and made a part of the Seventh Judicial District of this State, for judicial purposes, and all that part of the Crow Reservation lying East of the Big Horn River is hereby attached to Rosebud County for the purpose of taxation and Judicial purposes.

Section 13. This Act shall take effect on March 1st, 1901.

Section 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved February 11th 1901

SENATE BILL NO. 3.

An Act to create the County of Powell, to define its boundaries, to provide for its organization and government, and to alter the boundaries of Deer Lodge County, to conform to the boundaries of Powell County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the State of Montana, embraced within the following boundaries shall be known as, and shall be Powell County, in the State of Montana, to-wit:—

Beginning at the South-east corner of Section fourteen (14) in Township six (6) North, Range eight (8) West; and running thence west by section lines to the boundary line between Granite and Deer Lodge Counties; thence north along said boundary to the intersection of the divide between Hell Gate and Big Blackfoot Rivers; thence North-

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westerly along the summit of said divide to the intersections of the boundary line between Deer Lodge and Missoula Counties; thence due North along the present boundary line between Deer Lodge and Missoula Counties to latitude forty-seven (47) degrees and thirty-five (35) minutes North; thence east to the summit of the main range of the Rocky Mountains; thence Southeasterly along the summit of the main range of the Rocky Mountains to the point where said crest is intersected by the west boundary line of Range Eleven (11) west of the Montana Principal Meridian; thence south along the west boundary line of Townships twenty (20), nineteen (19), eighteen (18) and seventeen (17) north of said Range Eleven west to the southwest corner of Township seventeen (17) north of Range Eleven west; thence east along the south boundary of Township Seventeen north of Range Eleven west to the northwest corner of Township Sixteen north of Range Eleven west; thence south along the west boundary line of Township Sixteen; north of Range Eleven west to the south-west corner of said Township Sixteen;—thence east along the south boundary line of Township Sixteen north of Range Eleven west to the southeast corner thereof; thence south along the west boundary line of Township Fifteen north of Range Ten west to the southwest corner of said Township Fifteen; thence along the south boundary line of said Township Fifteen to the southeast corner thereof; thence south along the west boundary line of Townships Fourteen and Thirteen north of Range Nine west to the southwest corner of said Township Thirteen; thence east along the south boundary line of Township Thirteen north of Ranges Nine and Eight west to the northwest corner of Township Twelve north of Range Seven West; thence south along the west boundary line of Townships Twelve and Eleven north of Range Seven west to the corner between Sections Eighteen and Nineteen of said Township Eleven north of Range Seven west; thence East along the south boundary lines of Sections Eighteen, Seventeen, Sixteen, Fifteen, Fourteen and Thirteen of said Township Eleven north of Range Seven west to the boundary line between said Township Eleven north of Range Seven west and Township Eleven north of Range Six west; thence south along the west boundary line of said Township Eleven north of Range Six west to the southwest corner of said Township Eleven north of Range Six west; thence east along the south boundary line of said Township Eleven north of Range Six west to the point of intersection with the summit of the main range of the Rocky Mountains; thence southerly along the summit of the main range of the

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Rocky Mountains to its intersection with the north boundary of Township Six (6) North, Range eight (8) West; thence east to the northeast corner of Section two (2) in said Township Six (6) North, Range Eight (8) west; thence running South by Section lines to the place of beginning.

That the boundaries of Deer Lodge County are hereby altered to conform to the boundaries of Powell County as established by this Act.

Section 2. That until otherwise provided by law, the said Powell County shall constitute and remain a part of the Third Judicial District of the State of Montana; that the terms of Court shall be held therein at the County seat thereof, at such times as may be designated by said Court or the Judge thereof.

Section 3. That the City of Deer Lodge situated within the boundaries above mentioned, shall be and remain until lawfully changed in the manner provided by law, the County Seat of Powell County.

Section 4. That all laws of a general nature applicable to the several counties of the State and their officers, are hereby made applicable to the County of Powell and its officers, as the same may hereafter be elected or appointed, save as hereinafter specially provided.

Section 5. That all the Township and School District Officers within the limits of said Powell County, shall hold their offices and exercise their duties for the term for which they were elected, and until their successors are elected and qualified.

Section 6. That until the qualification of the officers of Powell County hereinafter provided for, all the judicial and other jurisdiction over the territory embraced in said Powell County, and the running of process and the jurisdiction of all County Officers shall continue as under the heretofore existing County boundaries.

Section 7. That the indebtedness of Deer Lodge County, as the same shall exist on the first day of February, 1901, shall be apportioned between the County of Deer Lodge and the County of Powell, by first deducting from said indebtedness the amount of all moneys on hand, and all moneys belonging to said Deer Lodge County, and also deducting the value of all real and personal property within and belonging to said County of Deer Lodge on said first day of February 1901, less the value of all real and personal property within the limits of said Powell County on said date and heretofore belonging to said Deer Lodge County, and the remainder of said indebtedness

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shall be apportioned between the respective Counties, in proportion to the amount of taxable property in each of said Counties; said amount of taxable property to be ascertained and said apportionment and valuation of County property to be made by a commission consisting of the Boards of County Commissioners of Deer Lodge and Powell Counties and the Judge of the Fourth Judicial District of the State of Montana; which said commission shall meet at the Court House in the City of Deer Lodge on the twelfth day of February, 1901, and shall take as a standard for such apportionment of indebtedness the assessment for the year 1900, as determined by the Board of Equalization of said County of Deer Lodge. If upon the adjustment of such indebtedness, it should be found that the said County of Powell should assume and pay any amount of the same, it shall be the duty of the County Commissioners of said Powell County to cause to be made out and delivered to the County Commissioners of Deer Lodge County, warrants on the County fund in the sum of one thousand dollars each, and fraction thereof if such there be, for the amount found to be due, which said warrants, upon presentation, shall be endorsed by the Treasurer of said Powell County "Not paid for want of funds," and shall thereafter draw interest as other County warrants.

Section 8. That the Treasurer of Deer Lodge County shall at the time of the adjustment as provided in Section 7 of this Act make out and transmit to the County Commissioners of Powell County a list of all delinquent taxes and amounts of all uncollected taxes within the limits of Powell County as above established; provided, that no delinquent taxes due the County of Deer Lodge shall be considered in the adjustment of the debts as hereinbefore provided; but it shall be the duty of the Treasurer of Deer Lodge County to collect such delinquent taxes as may be due said County and to turn over within thirty (30) days after making such collections, to the Treasurer of Powell County a pro rata share of such taxes as he may be able to collect.

Section 9. The County Commissioners of Powell County for the purpose of paying any indebtedness which may be incurred, by reason of assuming any indebtedness of Deer Lodge County are hereby authorized and empowered to cause to be issued and to sell at not less than par the bonds of said County of Powell in an amount equal to said indebtedness so incurred in the manner provided by law for the issuing and sale of County bonds.

Section 10. The Treasurer of the County of Deer Lodge shall

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transfer and pay over to the Treasurer of Powell County such moneys as may be on hand on the first day of February, 1901, to the credit of such Road Districts as may be embraced within the limits of said Powell County; such moneys shall be received and held by the Treasurer of said Powell County to the credit and for the use of the same road districts, as they formerly existed in said Deer Lodge County.

The Treasurer of the County of Deer Lodge shall transfer and pay over to the Treasurer of the County of Powell, such moneys as may be on hand on the first day of February, 1901, to the credit of such school districts as may be embraced within the limits of the said Powell County, and formerly in said Deer Lodge County; such moneys shall be received and held by the Treasurer of said Powell County, to the credit and for the use of the same school districts as they formerly existed in said Deer Lodge County.

It is further provided that should any of the road districts or school districts of said Deer Lodge County, be found to be part in one county and part in another county, according to the boundaries of said Powell County as provided by this Act, that the Commission provided for in Section 7 of this Act, must apportion the indebtedness or the funds of such road districts or school districts, in the same manner as the funds and indebtedness of said Deer Lodge County shall be apportioned as provided for in this Act.

Section 11. At the next general election in 1902, there shall be elected by the qualified electors in the County of Powell three County Commissioners, one Clerk and Recorder, one Sheriff, one County Treasurer, one County Superintendent of Schools, one County Surveyor, one County Assessor, one Clerk of the District Court, one County Attorney, one Coroner, one Public Administrator, and two Justices of the Peace and two constables for each Township; the term of office for the above named officers shall begin upon the first Monday of January, 1903, except the County Treasurer, whose term of office shall begin upon the first Monday in March, 1903.

Section 12. The following named persons are hereby appointed to fill the office set opposite their respective names:—

HENRY B. DAVIS, County Commissioner.
WILLIAM T. KUEHN, County Commissioner.
T. B. MANNIX, County Commissioner.
JOHN McMAHON, Sheriff.
JAMES H. MILLS, Clerk and Recorder.
ROBERT G. HUMBER, Treasurer.

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A. D. GOODFELLOW, Assessor.
R. LEE KELLEY, Clerk of the District Court.
JAMES M. SIMPSON, County Attorney.
INEZ ELLIOTT, County Superintendent. of Schools.
NATHAN SMITH, Coroner.
W. I. HUFFAKER, County Surveyor.
M. D. PLATNER, Public Administrator.

All of said officers shall have the same power and duties and shall be entitled to the same fees, emoluments and salaries as are conferred upon like officers in other Counties in this State, as classified by law, and shall, in like manner give bonds and shall enter upon the discharge of their respective duties, upon giving bonds required by law, upon the first Monday of February, 1901, and shall hold their respective offices until the first Monday of January, A. D. 1903, except as to the County Treasurer whose term shall end on the first Monday of March, A. D. 1903, and until their successors are elected and qualified. The bonds given by the respective officers shall be filed with and approved by the State Auditor.

Section 13. The Board of County Commissioners of said Powell County is hereby authorized and empowered to let to the lowest responsible bidder, a contract for the transcribing and indexing all records of property lying and being within the limits of said County of Powell, in proper books to be furnished by the said Board of County Commissioners, which said transcript and indexes, when completed, shall be carefully compared with the original records of Deer Lodge County by the County Clerk and Recorder of said Deer Lodge County, who shall certify to their correctness under the official seal of said Deer Lodge County, and thereafter the said copies of said records so transcribed and certified to, shall be admitted and received in evidence in all Courts of Law in this State, and shall in all respects be entitled to like faith and credit as the original records. The County Clerk and Recorder of said Deer Lodge County, shall receive as his compensation for so comparing and certifying to said transcript of records, the sum of five dollars per day, for each day so employed, which said amount shall be paid by the County of Powell by a warrant drawn on the contingent fund of said County in the manner provided by law for the issuing of County Warrants.

Section 14. This Act shall take effect and be in force from and after the first day of Februrary, 1901.

Approved January 31st, 1901

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SENATE BILL NO. 86.

An Act entitled An Act to change the name of Powell County from that of Powell County to that of Deer Lodge County.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That county of the State of Montana now named and known as Powell county shall no longer be Powell county, but shall hereafter be the County of Deer Lodge, and shall be named, designated and known as, and shall constitute Deer Lodge County.

The boundaries of said Deer Lodge County shall be the same as the boundaries of Powell County now are and the town of Deer Lodge shall be the county seat of said Deer Lodge County, until changed according to law.

SECTION 2.

The parties who are now the county, township and district officials of Powell county, and members of the Legislative Assembly shall remain in office, and shall be hereafter the county, township and district or state officials of said Deer Lodge County, and as such, shall be entitled to the same salary and compensation, during the remainder of their term of office, as they are now entitled to.

SECTION 3.

All indebtedness and obligations of Powell County, whether bonded or otherwise, shall be assumed by said Deer Lodge County, and shall be the indebtedness and obligations of said Deer Lodge County; and any bonds heretofore issued by and in the name of Powell County and now outstanding and unpaid, shall be assumed by, due from and paid by said Deer Lodge County. All contracts, expressed or implied, now unfulfilled, of Powell County shall be assumed and discharged by said Deer Lodge County.

SECTION 4.

The terms of the district court of the Third Judicial District of Montana, heretofore set for Powell county, shall become the terms of said court for said Deer Lodge County, and shall be held as such, in and for said Deer Lodge County, and said Deer Lodge County shall be and form a part of said Third Judicial District.

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SECTION 5.

The public records and property of what is now Powell County shall be and become the public records and property of said Deer Lodge county, and in all conveyances, indentures, instruments decrees and records now in existence where the name of Powell County occurs said name of Powell County shall hereafter be construed to mean Deer Lodge County.

All writs and process now in force and existence, appertaining to Powell County, shall hereafter be the writs and process of and appertaining to said Deer Lodge County; and all bonds, undertakings and sureties now alive and in existence and running to or standing in the name of Powell County shall hereafter have the same force, effect and relation to said Deer Lodge County as they now have to Powell County.

All suits, actions and proceedings in law or equity, now pending in the district court of the Third Judicial District in and for Powell County, or in any of the other courts of said county, shall continue in full force and be in existence in the same court in which they are now pending, in and for said Deer Lodge County, and shall not be in anywise abated or affected hereby.

SECTION 6.

The change of name herein provided for shall not impair or work a forfeiture or alteration of any vested rights, and all laws of a general or special nature now affecting or applying to Powell County shall hereafter apply with equal force and effect to said Deer Lodge County.

SECTION 7.

This Act shall be in full force and effect from after its passage and its approval by the Governor.

Approved March 8, 1901

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SENATE BILL NO. 84.

An Act entitled "An Act to Change the name of Deer Lodge County from that of Deer Lodge to that of Daly county.

Be It Enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That county of the State of Montana now named and known as Deer Lodge County shall no longer be Deer Lodge county, but shall hereafter be the County of Daly, and shall be named, designated and known as, and shall constitute Daly County. The boundaries of said Daly county shall be the same as the boundaries of Deer Lodge County now are, and the City of Anaconda shall be the county seat of said Daly County, until changed according to law.

SECTION 2.

The parties who are now the county, township and district officials and members of the legislative assembly of Deer Lodge County shall remain in office and shall be hereafter the county, township and district State officials of said Daly County and, as such, shall be entitled to the same salaries and compensation, during the remainder of their terms of office, as they are now entitled to.

SECTION 3.

All indebtedness and obligations of Deer Lodge County, whether bonded or otherwise, except such as by previous act of this Legislative Assembly of Montana are to be apportioned to and assumed by Powell County, shall be assumed by said Daly County, and shall be the indebtedness and obligations of said Daly county; and all bonds heretofore issued by and in the name of Deer Lodge County and now outstanding and unpaid, except such as by previous act of this Legislative Assembly of Montana, are to be apportioned to and assumed by Powell County, shall be assumed by, due from and paid by said Daly County. All contracts and obligations, express or implied, now unfulfilled, of Deer Lodge County, except as otherwise provided, shall be assumed and discharged by said Daly County.

SECTION 4.

The terms of the district court of the Third Judicial District of

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Montana, heretofore set for Deer Lodge County, as it now exists, shall become the terms of said courts for said Daly County, and shall be held as set, in and for said Daly County, and said Daly County shall be and form a part of said Third Judicial District.

SECTION 5.

The public records and property of what is now Deer Lodge County shall be and become the public records and property of said Daly County, and in all conveyances, indentures, instruments, decrees and court and other records now in existence where the name of Deer Lodge County occurs said name of Deer Lodge County shall hereafter be construed to mean Daly County. All writs and process now in force and existence, appertaining to Deer Lodge County, shall hereafter be the writs and process of and appertaining to said Daly County; and all bonds, undertakings and sureties now alive and in existence, and running to or standing in the name of Deer Lodge County, shall hereafter have the same force, effect and relation to said Daly County as they now have to Deer Lodge County. All suits, actions and proceedings in law or equity, now pending in the district court of the Third Judicial District in and for Deer Lodge County, or in any of the other courts of said county, shall continue in full force and be in existence in the same court in which they are now pending, in and for said Daly County; and shall not be in anywise abated or affected hereby.

SECTION 6.

The change of name herein provided for shall not impair or work a forfeiture or alteration of any vested rights, and all laws of a general or special nature now affecting or applying to Deer Lodge County shall hereafter apply with equal force and affect to said Daly County.

SECTION 7.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8th, 1901

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HOUSE BILL NO. 100.

An Act forfeiting to the State of Montana Thirty Thousand Dollars ($30,000.) deposited with the State Treasurer by an investigating committee of the Sixth Legislative Assembly and covering same into the public school income fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Thirty Thousand Dollars ($30,000.) deposited with the State Treasurer by an investigating committee of the Sixth Legislative Assembly, is hereby declared to be and is hereby forfeited to the State of Montana, and the State Treasurer is hereby ordered to cover said Thirty Thousand Dollars ($30,000.) into the Public School Income Fund, for the purpose of apportionment and distribution among the several school districts of the State. It is hereby made the duty of the proper officer to apportion and distribute said Thirty Thousand Dollars among the several school districts of the State as other moneys in said fund are apportioned and distributed.

Section 2. This act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 7th. 1901

HOUSE BILL NO. 188.

An Act to provide for the support of the Government of the State of Montana for the fiscal years 1901 and 1902.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby levied for State purposes upon all the property of the State liable to taxation, for the fiscal year of 1901 an ad valorem tax of two and one-half mills on each dollar of the valuation of such property.

Section 2. There is hereby levied, for State purposes upon all property of the State liable to taxation for the fiscal year of 1902, an ad valorem tax of two and one-half mills on each dollar of valuation of such property.

Section 3. This act shall take effect from and after its passage.

Approved March 8th 1901

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SENATE BILL NO. 41.

An Act to amend Sections 622, 624, 627 and 629 of the Political Code of Montana, relating to the board of Dental Examiners.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 622 of the Political Code of Montana be amended so as to read as follows: Section 622. Said board shall provide an official seal. Said board shall at its annual meeting choose from its members a President, Vice President, Secretary and Treasurer, and it shall meet at least once in each year, and as much oftener, and at such times and places as it may deem necessary. The Secretary and Treasurer shall give such bonds as the Board may designate. A majority of said Board shall at all times constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

Section 2. That Section 624 of the Political Code of Montana be amended so as to read as follows:

Section 624. Any person or persons who desire to begin the practice of dentistry in the State of Montana after the passage of this Act, shall appear before said Board of Examiners at any of its regular or special meetings for examination. To be eligible for such examination the applicant shall give satisfactory evidence of having practiced dentistry five years, or having been a bona fide student five years, under the immediate supervision of a licensed dentist, or shall present a diploma from some reputable dental college. The examination shall be elementary and practical, but sufficiently thorough to test the ability of the applicant to practice dentistry. It shall include anatomy, physicology, chemistry, dental medicine, metallurgy, histology, pathology, operative, surgical and mechanical dentistry, and also demonstrations in operative and mechanical dentistry. All applicants shall furnish their own gold for demonstration. If the examination shall prove satisfactory to said Board of Dental Examiners, they shall issue a certificate of registration to the person examined. All certificates issued by said Board shall be signed by its president, secretary and a majority of the Board present, and shall have its official seal attached thereto.

Section 3. That Section 627 of the Political Code of Montana be amended so as to read as follows:

Section 627. Any member of the Board of Dental Examiners may, upon examination, grant a temporary certificate to an applicant to

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practice dentistry until the next meeting of said Board. Immediately upon granting a temporary certificate, such member shall notify the remaining members of the Board, and forward the fees collected therefor to the Treasurer, but such temporary certificate shall not be granted by a member of the Board after the Board has once rejected the applicant.

Section 4. That Section 629 of the Political Code of Montana be amended so as to read as follows: Section 629. In order to provide means for carrying out and maintaining the provisions of this Act, the said Board of Dental Examiners shall charge each person applying to or appearing before them for examination, a fee of twenty-five Dollars. In case an applicant fails to secure a certificate from the Board, he may appear once more before said Board for examination without additional fee. In no case will these fees be returned. Every registered dentist shall in each and every year pay to the Board of Dental Examiners, a fee of one Dollar as his annual dues; Such payment to be paid on or before the first day of May of each year. In case of default in such payment by any person, his or her certificate may be revoked by the Board of Dental Examiners upon thirty days notice from the Secretary, to the person holding such certificate, unless within said thirty days said annual dues shall be paid together with such penalties as the Board may impose, and the Board is expressly authorized to impose a penalty of Five Dollars as a consideration for each year for allowing the certificate to remain unrevoked.

Approved February 25th, 1901

SENATE BILL NO. 31.

An Act to Amend Section 917 of the Political Code of the State of Montana relative to the official Bond of a Notary Public.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 917 of the Political Code of the State of Montana, Part III, Title I, Chapter VI. Article III, be and the same is hereby amended so as to read as follows:

Section 917. Each Notary Public must give an official Bond in the sum of $1000.00, which bond must be approved by the County Clerk of the County for which he was appointed, provided, however, that when such bond is executed by a surety company purporting to be duly au-

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thorized to do business in the State of Montana, such approval shall be by the Secretary of State.

Section 2. This act shall be in force and effect after its passage and approval.

Approved February 28th 1901

SENATE BILL NO. 25.

An act to amend section 1133, Article XII, Chapter VII, Part III. Title I of the Political Code of Montana relative to time of payment of salaries of District Judges and other officers.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That section 1133, Article XII, Chapter VII, Part III, Title I of the Political Code be amended so as to read as follows:

Section 1133. Unless otherwise provided by law the salaries of officers must be paid out of the General fund in the State Treasury, quarterly, on the last day of the quarter, except that the salaries of Judges of the District Courts shall be paid monthly, on the last day of the month.

Section 2. All acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 9th. 1901.

SENATE BILL NO. 100.

An Act to Amend Section 1151, Article I. Chapter I, Title II, of the Political Code, Relating to Special Elections.

Be it Enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That Section 1151, Article I, Chapter I, Title II, of the Political Code be, and the same is, hereby amended so as to read as follows:

Section 1151. Special Elections are such as are held to supply vacancies in any office, and are held at such times as may be designated

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by the proper officer or authority. The board of county commissioners shall be authorized to call a special election at any time for the purpose of submitting to the qualified electors of the county a proposition to raise money for any public improvement desired to be made in the county.

SECTION 2.

All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8th. 1901.

HOUSE BILL NO. 16.

An Act Entitled, An Act to amend Section 1331, 1334, and 1337, Article II, Chapter VIII, Title II, Part III, of the Political Code of the State of Montana, relating to primary elections.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1331, Article II, Chapter VIII, Title II, Part III, of the Political Code of the State of Montana be, and the same is hereby amended [so as] to read as follows:

Section 1331. No person shall be entitled to vote at any caucus, primary meeting or election, who is not identified with the political party holding such caucus, primary meeting or election, or who does not intend to act with such political party at the ensuing election, whose candidates are to be nominated at such caucus or primary meeting. And no person, having voted at any primary meeting or election of any political party whose candidates are to be or have been nominated, shall be permitted to vote at the primary meeting or election of any other political party whose candidates are to be or have been nominated and to be voted for at the same general or special election.

Section 2. That Section 1334, Article II, Chapter VIII, Title II, Part III, of the Political Code of the State of Montana be, and the same is hereby, amended [so as] to read as follows:

Section 1334. Any qualified voter may challenge the right of any person offering to vote at such caucus or primary meeting, and in the

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event of such challenge, the person challenged shall swear to and subscribe an oath administered by one of the judges, which oath shall be substantially as follows:

I do solemnly swear that I am a citizen of the United States and am an elector of this county and of this precinct where this primary is now being held, that I have been and now am identified with the party, or that it is my intention bona fide, to act with the party, and identify myself with the same at the ensuing election, and that I have not voted at any primary meeting or election of any other political party whose candidates are to be voted for at the next general or special election.

If the challenged party takes the oath above prescribed he is entitled to vote; provided, in case a person taking the oath as aforesaid, shall intentionally make false answers to any questions put to him by any one of the judges concerning his right to vote at such caucus or primary meeting or election, he shall, upon conviction be deemed guilty of perjury and shall be punished by imprisonment in the penitentiary for a term of not less than one year nor more than three years.

Section 3. That Section 1337, Article II, Chapter VIII, Title II, Part III, of the Political Code of the State of Montana be, and the same is hereby, amended [so as] to read as follows:

Section 1337. Any person or persons violating any of the provisions of this act, except as provided in section 1334, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than two hundred and fifty dollars, or by imprisonment in the county jail not less than three months nor more than twelve months, or by both such fine and imprisonment in the discretion of the court.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act to take effect from and after its passage.

Approved March 6th. 1901.

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HOUSE BILL NO. 59.

An Act to amend Sections 1354, 1357, 1358, 1359 and 1361 of Chapter 9, of Article II, of Title 2, of Part 3, of the Political Code of the State of Montana, Relating to Ballots and Voting, and Providing Further Protection for the Voter while Preparing his Ballot and Casting the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

That Section 1354 of Chapter 9 of Article II of Title 2 of Part 3 of the Political Code of the State of Montana be amended to read as follows:

Section 1354. Ballots prepared under the provisions of this chapter must be white in color and of a good quality of printed paper, and the names must be printed thereon in black ink. The ballots used in any one county must be uniform in size, and every ballot must contain the names of every candidate whose nomination for any special office specified in the ballot has been certified or filed according to the provisions of this title, and no other names. The list of candidates of the several parties shall be placed in separate columns on the ballot, in such order as the authorities charged with the printing of the ballots shall decide. As near as possible the ballot shall be in the following form:

Democratic.	Republican.	Labor Party.
For Governor.	For Governor.	For Governor.
( ) Joseph K. Toole.	( ) John E. Rickards.	( ) J. A. Ferguson.
For Lieut. Governor.	For Lieut. Governor.	For Lieut. Governor.
( ) Frank G. Higgins.	( ) Alex. C. Botkin.	( ) Frank G. Higgins.
For Sec. of State.	For Sec. of State.	For Sec. of State.
( ) George M. Hays.	( ) Louis Rotwitt.	( ) George M. Hays.

and containing in like manner as to all candidates to be voted for at such election.

Every ballot must also contain the name of the party or principle which the candidates represent, as contained in the certificates of nomination. Below the names of candidates for each office there must be left a blank space large enough to contain as many written names of candidates as there are persons to be elected. There must be a margin on each side of at least half an inch in width, and a reasonable space between the names printed thereon, so that the voter may clearly indicate, in the way hereinafter provided, the candidate or candidates for whom he wishes to cast his ballot.

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Whenever the Secretary of State has duly certified to the county clerk any question to be submitted to the vote of the people, the county clerk must print in the regular ballot, in such form as will enable the electors to vote upon the question so presented in the manner in this title provided. The county clerk must also prepare the necessary ballots whenever any question is required by law to be submitted to the electors of any locality, and any of the electors of the state generally, except that as to all questions submitted to the electors of a municipal corporation alone, the city clerk must prepare the necessary ballots.

That Section 1357 of Chapter 9, of Article II, of Title 2, of Part 3, of the Political Code of the State of Montana, be amended [so as] to read as follows:

Section 1357. All officers upon whom is imposed by law the duty of designating the polling places, must provide in each polling place designated by them, a sufficient number of places, booths or compartments, each booth or compartment to be furnished with a door or curtain sufficient in character to screen the voter from observation, and must be furnished with such supplies and conveniences as shall enable the elector to prepare his ballot for voting, and in which electors must mark their ballots, screened from observation, and a guard rail so constructed that only persons within such rail can approach within ten feet of the ballot boxes, or the places, booths or compartments herein provided for.

The number of such places, booths or compartments must not be less than one for every fifty electors, or fraction thereof, registered in the precinct.

In precincts containing less than twenty-five registered voters, the election may be conducted under the provisions of this chapter without the preparation of such booths or compartments, as required by this section.

That Section 1358, of Chapter 9, of Article II, of Title 2, of Part 3 of the Political Code of the State of Montana, be amended [so as] to read as follows:

Section 1358. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, is permitted to be within said rail; and in cases of small precincts where places, booths or compartments are not required, no person engaged in preparing his ballot shall, in any way, be interfered with by any person, unless it be some one authorized by the provisions of this chapter, to assist him in preparing his ballot: nor shall any officer of

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election do any electioneering on election day. No person whatsoever, shall do any electioneering on election day, within any polling place, or any building in which an election is being held, or within twenty-five feet thereof; said space of twenty-five feet to be protected by ropes and kept free of trespassers; nor shall any person obstruct the doors or entries thereto, or prevent free ingress to an [and] egress from said building. Any election officer, sheriff, constable or other peace officer is hereby authorized and empowered, and it is hereby made his duty, to clear the passage way, and prevent such obstruction, and to arrest any person so doing. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his ballot after it is marked, to any person, in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote; nor shall any person solicit the elector to show the same; nor shall any person, except the judge of election, receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots; nor shall any person other than such judge of election, deliver a ballot to such elector. No elector shall vote, or offer to vote, any ballot except such as he has received from the judges of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Every elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots, shall, before leaving the polling place, return such ballot to such judges.

That Section 1359 of Chapter 9, of Article II, of Title 2, of Part 3, of the Political Code of the State of Montana, be amended [so as] to read as follows:

Section 1359. The expense of providing such places or compartments, ropes and guard rails is a public charge, and must be provided for in the same manner as the other election expenses.

That Section 1361 of Chapter 9, of Article II, of Title 2, of Part 3, of the Political Code of the State of Montana, be amended [so as] to read as follows:

Section 1361. On receipt of his ballot the elector must forthwith, without leaving the polling place, and within the guarded rail provided, and alone, retire to one of the places, booths or compartments, if such are provided, and prepare his ballot. He shall prepare his ballot by marking an "X" before the name of the person or persons

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for whom he intends to vote. In case of a ballot containing a constitutional amendment, or other question to be submitted to the vote of the people, by marking an "X" opposite the answer of the question, or amendment, submitted. The elector may write in the blank spaces, or paste over any other name, the name of any person for whom he wishes to vote. No elector is at liberty to use or bring into the polling place any unofficial sample ballot. After preparing his ballot the elector must fold it so the face of the ballot will be concealed and so that the endorsements stamped thereon may be seen. He must then vote forthwith, and before leaving the polling place.

Amend Section 1364 of the Political Code relating to ballots and voting so that the same shall read as follows:

Section 1364. Any elector who declares to the judges of election, or when it appears to the judges of election that he cannot read or write or that because of blindness or other physical disability he is unable to mark his ballot, but for no other cause, must upon request receive the assistance of two of the judges, who shall represent different parties, in the marking thereof, and such judges must certify on the outside thereof that it was so marked with their assistance, and must thereafter give no information regarding the same. The judges must require such declaration of disability to be made by the elector under oath before them, and they are hereby authorized to administer the same. No elector other than one who may, because of his inability to read or write or of his blindness or physical disability, be unable to mark his ballot, must divulge to any one within the polling place the name of any candidate for whom he intends to vote, or ask, or receive the assistance of any person within the polling place in the preparation of his ballot.

All acts and parts of acts in conflict herewith are hereby repealed. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 7. 1901.

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HOUSE BILL NO. 177.

An Act to Amend Sections 1737, 1742 and 1910 Of The Political Code Of The State Of Montana Relating to Public Schools; Also Section 1756, Subdivision 15 Of Section 1797, And Sub-Division 3 Of Section 1830, Relating To Public Schools, As Said Sections Are Now In Force After Amendment By Act Of The Fifth Legislative Assembly, Approved March, 1897; All Of The Foregoing Sections Being Contained In Part 3, Title 3, Chapter 6, Of The Political Code.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1737 of the Political Code be amended by adding thereto the following:

Provided, that school trustees shall have the authority to issue warrants in anticipation of school moneys which have been levied but not collected, for the payment of current expenses of schools, but such warrants shall not be drawn in any amount in excess of the sum already levied. So that said Section as amended will read as follows:

Section 1737. The County Superintendent shall apportion all school moneys to the school districts in accordance with the provisions of this title quarterly, and he may make apportionments at such other time as may be required or deemed necessary for the convenience of school officers. He shall certify to the several district clerks and County Treasurers the amount so apportioned to the several districts, and the trustees shall draw their warrants on the county treasurer in favor of persons entitled to receive the same. Such warrant shall show for what purpose the money is required, and no such warrant shall be drawn unless there is money in the Treasury to the credit of such district. Provided, that school trustees shall have the authority to issue warrants in anticipation of school moneys which have been levied but not collected, for the payment of current expenses of schools, but such warrants shall not be drawn in any amount in excess of the sum already levied.

Section 2. That Section 1742 of the Political Code be amended by adding thereto the following:

County Superintendents in counties of the seventh and eighth classes shall be allowed their actual, necessary expenses when engaged in visiting schools in their counties. Such expenses shall be paid in the

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same manner as other county charges. So that said Section, as amended, will read as follows:

Section 1742. The County Superintendent may provided [provide] for himself a suitable office for the transaction of official business, when not provided therewith by the County Commissioners, and said Commissioners shall audit and pay his reasonable accounts for the use and the furniture of said office. They shall also furnish him with all necessary stationery and postage; provided, that not more than one hundred and twenty-five ($125.00) Dollars a year shall be paid by any county for office rent, stationery, postage and furniture; provided, further, that when an office room is furnished by the county he shall not exceed Fifty ($50.00) Dollars a year for stationery and postage. County Superintendents in counties of the seventh and eighth class shall be allowed their actual, necessary expenses when engaged in visiting schools in their counties. Such expenses shall be paid in the same manner as other county charges.

Section 3. That Section 1756 of the Political Code, as amended by an Act of the Fifth Legislative Assembly, approved March 8th, 1897, be amended so as to read as follows:

Section 1756. The Board of Trustees of any school district who shall employ any teacher who is not legally qualified to teach in public schools of their district shall be deemed guilty of a misdemeanor; provided, that this Section shall not apply to those Trustees who do not consent to such employment.

Section 4. That Sub-division fifteen of Section 1797 of the Political Code, as amended by an Act of the Fifth Legislative Assembly, approved March 8th, 1897 be amended so as to read as follows:

Subdivision 15. Whenever a pupil residing in any school district of the State desires to attend school in any other district, he shall be permitted to do so upon obtaining permission of the trustees of the district in which he wishes to attend. The money due by apportionment to such pupil shall, upon written request of the school trustees be transferred to the district in which said pupil attends school. Provided, that nothing herein contained shall be construed as affecting the right of the board of school trustees to charge tuition for non resident pupils, as provided in Sub-division 2 of this Section. Provided, further, that no money due by apportionment to such pupils as pay tuition shall be transferred.

Section 5. That Sub-division 3 of Section 1830 of the Political Code, as amended by an Act of the Fifth Legislative Assembly, approved

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March 8th, 1897, be amended by substituting the word "September" for the word "August" in the first line of said Sub-division, so that said Sub-division, as amended, will read as follows:

Subdivision 3. To make annually, between the first and twentieth day of September of each year, an exact census of all the children and youth between the ages of six and twenty-one years residing in the district; and shall specify the number and sex of such children, and the names of their parents or guardians. He shall take specifically and separately, a census of all children under six years of age, and shall specify the number and sex of such children. All children under twenty-one years of age who may be absent from home for any cause, shall be included by the district clerk in this census list of the city, town or district in which their parents reside. He shall make a full report thereof on the blanks furnished for this purpose, under oath, to the County Superintendent thereafter, and deliver a copy to the School Trustees.

For taking census, the district clerk shall be paid by the Board of Trustees, from the county school money to the credit of the district, in the same manner as other contingent expenses are paid, at a rate not exceeding ten cents for each child's name returned by him. He shall receive such other compensation for other services as may be allowed by the Board of Trustees. In case any district clerk shall fail to take the census provided in this Act, at the proper time, and if through such neglect the district shall fail to receive its apportionment of school moneys, said school clerk shall be individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district, in the name of, and for the benefit of the district.

Section 6. That Section 1910 of the Political Code be amended by substituting the word "Last" for the word "Third" in the third line thereof, so that said Section, as amended, will read as follows:

Section 1910. The County Superintendent shall hold public examinations of all persons, over eighteen years of age, offering themselves as candidates for teachers of common schools, at the county seat, on the last Friday in February, April, August and November of each year, and when necessary, such examinations may be continued on the following day, at which time he shall examine them by a series of written or printed questions, according to the rules prescribed by the Superintendent of Public Instructions. If the percentage of correct answers required by the rules, and other evidence disclosed by the ex-

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amination, including particularly the superintendent's knowledge and information of the candidates successful experience, the applicant is found to be a person of good moral character, to possess a knowledge and understanding, together with aptness to teach and govern, which shall enable such applicant to teach in the common schools of the State the various branches required by law, said Superintendent shall grant to such applicant a certificate of qualification.

Section 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 8. This Act shall be in full force and take effect from and after its passage and approval by the Governor.

Approved March 14th. 1901.

HOUSE BILL NO. 60.

An Act Entitled An Act To Amend Sections 1810 And 1962 Of The Political Code Of Montana, In Reference To The Issuance Of School District Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1810 of the Political Code of Montana be and hereby is amended so as to read as follows:

"Section 1810. The School Trustees of any School District of the State of Montana, shall have, and are hereby given in addition to the power already conferred on them, authority to issue on the credit of their respective districts, coupon bonds, (and sell or dispose of the same) for the purpose of providing the necessary funds to pay maturing, redeemable, or optional bonds, under the following conditions, to wit:

1. When there is not sufficient money to the credit of the School District applicable to pay any of said bonds.

2. When in the judgment of the School Trustees to levy and collect a special tax for the purpose of paying any of said bonds, would be a hardship and a burden to the School District.

3. All bonds issued under the provisions of this section of this Act shall bear upon their face the words "Refunding School Bonds" and shall also recite in the body of the bond that "this bond is issued for the purpose of providing funds to pay maturing and outstanding bonds."

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4. Said bonds shall bear interest at a rate not to exceed six per cent per annum (and interest may be payable semi-annually) and payable and redeemable within a period not exceeding twenty years from the date of issue; provided said bonds shall not exceed in amount the face value of the bonds (and any accrued interest thereon) which they are issued to replace:

5. The trustees shall fix the denomination, term, rate and form of said bonds not inconsistent with the requirements hereinbefore set forth; and may issue, dispose of or sell such bonds at any time deemed necessary and expedient to enhance, preserve and maintain the credit of their respective school districts.

6. Said bond, when offered for sale, shall be advertised for sale in not less than one newspaper of general circulation, published in the state of Montana, for a period of not less than four weeks preceding the date fixed for the sale of said bonds; said advertisement shall briefly describe the bonds, stating the time when, and the place where said sale shall take place: Provided, that said bonds shall not be sold at less than their par value, and the trustees are authorized to reject any bids made, and sell said bonds at private sale, or exchange the same for outstanding bonds, if they deem it for the best interests of the districts so to do, and it shall not be necessary to hold any election or submit the matter of the issuance of the bonds authorized by this section of this Act, to the electors of the school district.

7. Said bonds and coupons (attached) shall be signed by the chairman of the Board of Trustees and the school clerk of the District, provided, a lithographic or engraved fac simile of the signatures of the chairman and clerk may be affixed to the coupons, only when so recited in the bonds, and the corporate seal of the School District shall be affixed to each bond.

8. Each bond so issued shall be registered by the County Treasurer of the County wherein such School District is located, in a book provided for the purpose, which shall show the date, number, term and amount of each bond, and the person or persons to whom the bonds are issued and sold.

Section 2. That Section 1962 of the political code of the State of Montana be amended so as to read as follows:

Section 1962. Such election shall be held in the manner prescribed for the election of school trustees except that no registration will be required. The ballots shall be in form as follows: "Shall bonds

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be issued and sold to the amount of ..... dollars and bearing not to exceed ..... per cent interest and for a period not to exceed ..... years, for the purpose of purchasing a school lot and building a school house thereon and furnishing the same?

Bonds, Yes?

Bonds, No?

The elector shall prepare his ballot by crossing out thereon parts of the ballot in such manner that the remaining part shall express his vote upon the question submitted. If a majority of the votes cast at such election are Bonds "Yes," the Board of School Trustees shall issue such bonds in such form as the board may direct, and they shall bear the signature of the Chairman of the Board of Trustees, and shall be signed by the Clerk of the said School Districts; and the coupons attached to the bonds shall be signed by the said Chairman and Clerk, provided, a lithographic or engraved facsimile of the signatures of the Chairman and Clerk may be affixed to coupons only, when so recited in the bonds, and the corporate seal of the School District shall be attached to each of the bonds; and each bond so issued shall be registered by the County Treasurer in a book provided for that purpose, which shall show the number and amount of each bond, and the person to whom the same is issued or sold; and the said bonds shall be sold by the Trustees as hereinafter provided.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect and be in force from and after the date of its passage and approval.

Approved March 14th. 1901.

HOUSE BILL NO. 27.

An Act entitled an act to amend section 2570 Article 1, Chapter 1, Title VI, Part III of the Political Code of the State of Montana. Relating to Public Waters and obstructions therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2570 Article I, Chapter 1, Title VI, Part III, of the Political Code of the State of Montana, be and is hereby amended so as to read as follows:

Section 2570. Navigable waters and all streams of sufficient capa-

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city to transport the products of the country are Public ways for the purposes of Navigation and such transportation.

"Provided that this act shall not be so construed as to in any manner effect or impair any rights acquired prior to its passage by any person, association of persons or corporation; and provided further that the right of any person, association of persons or corporation shall not be abridged to take and use any water as now provided by law from any stream or streams for the purpose of irrigation, or any beneficial or industrial pursuit."

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 22nd. 1901.

HOUSE BILL NO. 74.

An Act to amend Section 2941 of the Political Code of Montana in reference to charging fees for recording brands.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2941 of the Political Code of Montana be amended so as to read as follows:

Section 2941. Whenever any person wishes to record a brand or mark, application may be made to the General Recorder of marks and brands directly, who must designate the particular brand, or mark and brand, to be used by the applicant, defining the position on the animal upon which the brand shall be placed. The General recorder of marks and brands must keep a record, in a book kept by him for that purpose, of all brands and marks that may be recorded by him, with the name and residence of the person recording the same, which said report book shall be open to the inspection of the public; and he must also furnish to the owners of recorded brands a certified copy of the record of the same, which certificate is prima [facie] evidence of the ownership of the mark or brand so recorded. The General Recorder of Brands and marks may charge and receive from each person recording a brand, or mark and brand a fee of two dollars for each brand or mark and brand, so recorded.

Section 2. This act shall take effect and be in force from and after the date of its passage and approval.

Approved March 11th. 1901.

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HOUSE BILL NO. 45.

An Act to provide an additional Section to be numbered 2958. to Article II of Chapter V of Part III, Title VII of the Political Code, concerning the duties of the Board of Stock Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be added to Article II of Chapter V of Part III of Title VII of the Political Code, an additional Section to be numbered and known as Section 2958, and which shall read as follows:—

Section 2958. The Board shall cause to be published in at least two newspapers or journals of general circulation in this State, one of said journals or newspapers to be published in the City of Helena, and the other in the city of Billings, both to be selected by the Board with a view to affording the greatest publicity to the stockmen of the State; a list of all stray cattle and horses sold during the preceding year, the proceeds of which shall remain unclaimed in the possession of the Board on the first day of May of each year, such publication to be in the first issue of such journals after the said first day of May and to continue through four consecutive issues; and a copy of such publication or list shall also be filed with the County Clerk of the respective Counties of this State. Said list shall describe each animal by its kind, sex, marks and brands, and weight, if known, and shall state opposite such description the net amount of money received by the Board therefor.

The expense incurred in publishing and filing said notices shall be a charge against the moneys included in the advertisement, and shall be paid by deducting from the amount due each owner such part of said expense as the amount due each owner bears to the entire amount included in the notice.

Section II. All acts and parts of acts in conflict with this act, are hereby repealed.

Section III. This act shall be in effect from and after the date of passage and approval by the Governor.

Approved March 2nd. 1901.

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SENATE BILL NO. 12.

An Act Amending Section 3018 Of Article V, Chapter V, Part III, Title VII, of The Political Code, Relating to the Appointment And Compensation Of Deputy Veterinary Surgeons.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That Section 3018 of Article V, Chapter V, Part III, Title VII, of the Political Code, be and the same is hereby amended [so as] to read as follows:

Section 3018. The Veterinary Surgeon has power to appoint from time to time one deputy at any time he cannot personally attend to all the duties required by his office at a salary not to exceed five dollars per day for each day actually employed, together with his actual and necessary traveling expenses, to be paid out of the stock indemnity fund.

SECTION 2.

This Act shall be in effect from and after its passage and approval.
Approved March 16th. 1901.

SUBSTITUTE FOR SENATE BILL NO. 17.

An Act to Amend Section 3070 and Section 3076 Article 8, Chapter 5, Title 7, Part 3, of the Political Code as amended by the Act approved February 27th, 1899 Relating to the payment of bounty on Wild Animals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3070 of Article 8, Chapter 5, Title 7, Part 3 of the Political Code as amended by the Act approved February 27th, 1899. be amended so as to read as follows:—

Section 3070. There shall be paid [out] of the fund in this Act hereafter created for the killing of the following named animals hereafter killed in the State of Montana the following bounties.

For each grown wolf five dollars. For each grown coyote five dollars. For each wolf or coyote pup five dollars. For each mountain lion seven dollars.

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Section 2. That Section 3076, Article 8, Chapter 5, Title 7, Part 3 of the Political Code be amended [so as] to read as follows;

Section 3076. It shall be the duty of the Board of County commissioners of each county in this State at the time of making the levy of the annual tax to levy a special tax of three mills on the dollar upon the assessed valuation of all cattle, horses, mules, asses, and sheep in their respective counties which tax shall be collected as other taxes upon like property and when so collected shall be paid into the State bounty fund aforesaid, which fund shall be preserved inviolate for the payment of bounties herein above provided for and any county commissioner who shall refuse or interfere to prevent the levy of the tax aforesaid shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500 or imprisonment in the county jail not exceeding three months or by such fine or imprisonment.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

"This Bill having remained with the Governor five days (Sundays excepted), and the Legislative Assembly being in Session it has become a law this 2nd day of March A. D. 1901."

GEO. M. HAYS,
Secy. of State.

HOUSE BILL NO. 147.

An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a state game and fish warden, deputy game and fish wardens and special deputy game and fish wardens and defining their powers and duties and providing for their compensation.

Be It Enacted By The Legislative Assembly Of The State Of Montana:

Section 1. That Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114 of the Political Code of the State of Montana, be and the same are hereby repealed.

Section 2. That the Governor shall immediately after the passage

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of this act and every four years thereafter, appoint a state game and fish warden; he shall hold his office for a period of four years, or until removal [removed] as hereinafter provided:—

Section 3. Said state game and fish warden before entering upon the discharge of his duties shall give a bond to the state of Montana, in the sum of Three thousand ($3,000.00) dollars for the faithful performance of the duties of his office, which bond shall be approved by the Governor and filed in the office of the Secretary of State.

Section 4. The duties of said state game and fish warden shall be to examine into and inquire about any violation of the game and fish laws of this state, and to institute prosecutions for any violation of the law and he is vested throughout the state with all the powers of a sheriff in making arrests and in the prosecution of all offenses against the game and fish laws of the state. He shall have general supervision over all deputy game and fish wardens and all special deputy game and fish wardens hereinafter provided for; and he is hereby authorized to appoint such deputies.

Section 5. That said State game and fish warden may at any time be removed at the will of the Governor and at any time a vacancy for any reason occurs in said office, the Governor of the State of Montana is hereby authorized and directed to make an appointment to fill said vacancy.

Section 6. The compensation of the State game and fish warden shall be at the rate of Eighteen hundred ($1800.00) dollars per annum, payable in monthly payments at the end of each month; he shall be paid for all actual and necessary traveling expenses and other actual and necessary expenses, but in no case shall said expenses be permitted to exceed the rate of Six hundred ($600.00) Dollars per annum.

Section 7. That each of such deputies appointed as aforesaid shall perform the following duties: To examine into and inquire about any violation of the game and fish laws of this State and to institute prosecutions for any violations of said law, and make report at the end of each month to the State game and fish warden of all arrests and prosecutions made by said deputy, and furnish such other information which he may have that will tend to promote the enforcement of the game and fish laws; and he is vested throughout the State with all the powers of a sheriff in making arrests and in the prosecution of all offenses against the game and fish laws of this State.

Section 8. Each State game and fish warden immediately after his

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appointment and every four years thereafter, is hereby authorized and empowered to appoint not less than five (5) nor more than eight (8) special deputy game and fish wardens, as the needs of the State may require. Their term of office shall be for a period of four years, but any of said special deputy game and fish wardens so appointed by said State game and fish warden, may at any time be removed at the will of said State game and fish warden.

Section 9. That whenever a vacancy occurs by the death or removal of a special deputy game and fish warden, or for any other cause, the State game and fish warden is hereby authorized to fill said vacancy by appointment, if in his judgment it is to the best interests of the State to fill said vacancy.

Section 10. Each of the special deputy game and fish wardens hereby provided for, shall before entering upon the discharge of their duties give a bond to the state of Montana in the sum of One Thousand ($1000.00) Dollars for the faithful performance of the duties of his office, which bond shall be approved by the Governor and filed in the office of the Secretary of State.

Section 11. The duties of said special deputy game and fish wardens shall be to inquire about any violations of the game and fish laws of the State ofMontana and to institute prosecutions for any violation of said law, and report in detail to said State game and fish warden at the end of each month, where they were each day of said month and the inquiries and efforts by them made to enforce the game and fish laws; and each is vested throughout the State with all the powers of a sheriff in making arrests and in the prosecution of all offenses against the game and fish laws of said State.

Section 12. The special deputy game and fish wardens appointed by the State game and fish warden shall receive as compensation for their services, pay at the rate of Twelve Hundred ($1200.00) Dollars per annum, which shall be in full for their services and the expenses incurred in their own districts, the same to be made in monthly payments at the end of each month.

Section 13. The State game and fish warden may divide the State from time to time into such fish districts, as to him may seem best and designate a special deputy game and fish warden to take charge of said district and to perform the duties of special deputy game and fish warden therein. The State game and fish warden may however when he deems it necessary for the better enforcement of the game and

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fish laws, send any of said special deputies from the district so assigned to them to perform services in another part of the State, and when such special deputy game and fish warden is so sent from his district to perform duties in any other part of the State he shall receive pay for actual and necessary expenses incurred by him while traveling outside of his district in performance of duty under the direction of said State Game and Fish Warden.

Section 14. There is hereby created a fund to be known as the game and fish fund and all fines collected under the game and fish laws of the State of Montana in prosecutions instituted by the State game and fish warden and the special deputy game and fish wardens appointed by him, shall be paid by [to] the State Treasurer and by him placed in the fish and game fund.

Section 15. The Board of County Commissioners of each county at the time of levying the annual tax, must levy a tax of one tenth of a mill (1-10) on the dollar upon the assessed valuation of all property in their respective counties, which must be collected as other taxes upon like property and when so collected must be paid to the State Treasurer, who must place the same into the fish and game fund which money together with other money placed into the fish and game fund must be used in defraying the salaries and expenses provided for in this Act.

Section 16. The State game and fish warden, the deputy game and fish wardens, and the special deputy game and fish wardens may make complaints and cause proceedings to be commenced against any person for violation of any of the laws for the protection or propagation of game and fish and in such case he shall not be obliged to furnish security for costs. Any of said wardens shall have power to search any person and examine any boat, conveyance, vehicle, fish box, fish basket, game bag, or game coat, or any other receptical for game or fish when he has good reasons to believe that he will thereby secure evidence of the violation of the law. Any of said wardens shall at any and all time [times] seize and take possession of any and all birds, animals or fish which have been caught, taken or killed at any time, in a manner or for a purpose or had in possession or under control or had been shipped contrary to any laws of the State, and such seizure may be made without a warrant. Any court having jurisdiction of the offense upon receiving proof of probable cause for believing in the concealment of any bird, animal or fish caught, taken, or killed, had in possession, under

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control, or shipped contrary to any of the laws of this State shall issue a search warrant and cause a search to be made in any place, and to that end may cause any building, enclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, or package to be broken open and the contents thereof examined by the game and fish warden, or any deputy game and fish warden, or any special deputy game and fish warden, or any sheriff, deputy sheriff or constable. All birds, animals or fish seized by any officer, as herein provided shall be sold by said officer at a time and in a manner so as to receive the highest price therefor, and shall issue a certificate to the party purchasing the same certifying that the same was legally obtained and possessed, and any one so acquiring the same within this State shall have the right to deal therewith the same as if he [it] had been killed and was possessed in accordance with the laws of this State, anything herein to the contrary notwithstanding and shall pay the money to the court before whom the person having the same in possession at the time of such seizure shall be prosecuted, and of the person from whom said birds, animals and fish were taken, is found guilty before said court of any violation of the fish and game laws of this State, said money shall be paid to the State Treasurer, and by him deposited into the fish and game fund, but should it be found that the party from whom the same was taken is not guilty of any violation of the game and fish laws of this State, said money shall be paid to the party from whom said birds, animals or fish were taken. No officer shall be liable for any damages on account of any search, examination, seizure or sale as herein provided for.

Section 17. No warrant shall be issued for the amount to be paid to the State Game and Fish Warden, or any of the special deputy game and fish wardens appointed by him, by the Auditor of the State, until itemized accounts, properly verified, shall be presented by the person to whom the warrant is to be issued or until the same is certified to as correct by the Governor of the State. Upon the presentation of said accounts, duly verified and certified, as above, the State Auditor shall draw a warrant on the fish and game fund on the State Treasurer, in favor of the party or parties entitled thereto, for the amount so certified, and the same shall be paid out of said fund.

Section 18. The State game and fish warden shall make a semi-annual report to the Governor of all prosecutions instituted by himself and the different deputies during the six months prior to said report.

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and shall state in said report any and all information he may have obtained in regard to the condition of game and fish in the State of Montana, together with any information that may aid in protecting the fish and game of said state in the future.

Section 19. It shall be not lawful for any non-resident of this State, who does not pay taxes within this State, to hunt for or kill, or cause to be hunted or killed, deer, rocky mountain goat, moose or elk within this State without first obtaining from the State Game and Fish Warden a hunter's license permitting him to do so. Any such non-resident may procure a hunter's license to hunt or kill such game, during the open season for the same, by making application to the State Game and Fish Warden stating his name, age, place of residence, postoffice address and the color of his hair and eyes and paying to the State Game and Fish Warden the sum of twenty-five dollars. Upon receipt of such application the State Game and Fish Warden shall issue to said applicant a license, bearing the date upon which the same is issued and authorizing the person named therein to use fire-arms in hunting deer, rocky mountain goat moose and elk for the open season of that year, but only at the times and in the manner provided by law that the same may be killed by residents of this State.

Section 20. It shall not be lawful for any non-resident of this State, who does not pay taxes within this State, to hunt for or kill, or to cause to be hunted for or killed, grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant or swan, within this State without first obtaining from the State Game and Fish Warden a hunter's license permitting him to do so. Any such non-resident may procure a hunter's license to hunt or kill such game, during the open season for the same, by making application to the State Game and Fish Warden stating his name, age, place of residence, postoffice address and the color of his hair and eyes and paying to the State Game and Fish Warden the sum of fifteen dollars. Upon receipt of such application the State Game and Fish Warden shall issue to said applicant a license, bearing the date upon which the same is issued and authorizing the person named therein to use fire-arms in hunting grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant and swan for the open season of that year and only at the times and in the manner provided by law that the same may be killed by residents of this State.

Section 21. The license for killing deer, rocky mountain goat, moose and elk shall be in the following form:

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LICENSE FOR LARGE GAME.

Office of The State Game and Fish Warden, ————————, State of Montana.

I, ———— ————————, the State Game and Fish Warden, do hereby certify that ———————— has filed with me an application for a hunter's license stating that he resides at ————————, and his postoffice address is ————————, his age is —— years, the color of his hair is ———— and the color of his eyes are ————.

I further certify that he has paid to me the sum of twenty-five ($25.00) Dollars for this license and is authorized to hunt for and kill with firearms deer, rocky mountain goat, moose and elk, during the open season for this year but only at the times and in the manner provided by law that the same may be killed by residents of this State ————

Dated ———————— ——, 190—.

State Game and Fish Warden.

Section 22. The license for killing grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant, or swan shall be in the following form:

LICENSE FOR SMALL GAME.

Office of The State Game and Fish Warden.———————— ———————— State of Montana.

I, ———— ————————, the State Game and Fish Warden, do hereby certify that ————————, has filed with me an application for a hunter's license, stating that he resides at ————————, and his postoffice address is ———————— ————, his age is —— years, the color of his hair is ———— and the color of his eyes is ————.

I further certify that he has paid to me the sum of fifteen ($15.00) dollars for this license and is authorized to hunt for and kill with firearms grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant or swan during the open sea-

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son for this year but only at the times and in the manner provided by law that the same may be killed by residents of this State.

Dated ——————————, 190—.

State Game and Fish Warden.

Section 23. The State Game and Fish Warden shall have said licenses printed in book form, those for large game and those for small game in [a] different book, with stubs; and the stubs and licenses shall be consecutively numbered and upon said stubs shall be kept a complete record of all licenses issued. The stub corresponding with the license shall contain the number of said license, date of issuance, to whom issued, residence, postoffice address, age, color of hair, color of eyes and the amount received, and whether issued for killing birds or animals; which record shall remain in his office and be open to the inspection of the public at all times.

Section 24. All money received by the State Game and Fish Warden for the foregoing licenses shall be paid by him to the State Treasurer and by him placed to the credit of the Fish and Game Fund.

Section 25. All Acts and parts of Acts in conflict herewith are hereby repealed .

Section 26. This Act shall be in force and effect from and after its passage and approval.

Approved March 18th. 1901.

HOUSE BILL NO. 46.

An Act entitled, "An Act amending Section 3134, Chapter 6, Part 3. Title 7, of the Political Code of the State of Montana, Relating to Standard Weights and Measures."

Be It enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3134, Chapter 6, Part 3, Title 7, of the Political Code of the State of Montana relating to standard weights and measures be, and the same is hereby amended to read as follows:

Section 3134. The ton consists of twenty hundred pounds, but a ton of mineral coal is expressed by the conventional quantity of twenty-six and one-third bushels of seventy-six pounds each. A bushel of each of the articles hereinafter named consists of the number of pounds affixed to each, to-wit:

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	Pounds
Apples and Pears	45
Beans	60
Bran	20
Carrots	50
Barley	48
Beets	50
Buckwheat	52
Coal, Mineral	76
Corn, in the ear	70
Corn meal	50
Lime, unslacked	80
Oats	32
Parsnips	50
Peas	60
Salt	50
Corn, shelled	56
Hay, per ton	2000
Malt	30
Onions	57
Potatoes	60
Rye	56
Seeds.	Pounds.
Blue Grass	14
Timothy	45
Hemp	44
Turnips	50
Clover	60
Hungarian Grass	50
Flax	56
Wheat	60

Any person, persons, companies or corporations who shall violate the provisions of this Section by demanding, exacting, or taking more than the prescribed number of pounds per bushel or per ton as fixed by the provisions of this Section, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars, nor more than Five Hundred Dollars, or by imprisonment in the county jail not less than three nor more

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than six months or by both such fine and imprisonment, in the discretion of the court.

Section 2. This Act shall take effect from and after its passage and approval by the Governor.

Approved February 18th. 1901.

SENATE BILL NO. 80.

An Act, entitled an act to amend Sections 3250, Chapter XIII, Title VII, Part III of the Political Code of the State Of Montana:—

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That Section 3250, Chapter XIII, Title VII, Part III of the Political Code of the State of Montana, be amended so as to read as follows:—

Section 3250. The following are legal fences and must not be less than four and one half feet in height.

1. All fences constructed of at least one strong pole, rail or board, and three of either barb wires or strong poles, rails or boards, or both. so that there be three altogether thereunder, which lower three, whether all barb wires or poles, rails or boards and barb wires, may be arranged at the pleasure of the builder; but all must be firmly fastened as nearly equidistant as possible to substantial posts firmly set in the ground not more than 20 feet apart, or set to well supported substantial leaning posts, not more than 20 feet apart. But the lower pole, rail, board or barb-wire must not be more than one foot and a half above the ground.

2. All fences constructed of at least four barb wires, the lowest of which must not be more than one foot and a half above the ground, securely fastened as nearly equi-distant as possible to substantial posts firmly set in the ground, at a distance not exceeding thirty feet apart, with pickets at least five feet in length, interwoven in or fastened to said wires, between each two of said posts in such manner that there must be not more than five feet space between such pickets or posts and pickets.

3. All substantial worm fences and stone walls.

4. All rivers, hedges, mountain ridges and bluffs, or other barrier over or through which it is impossible for stock to pass. But none of

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the fences hereinbefore described are legal for stock yards or places where either grain, hay or straw is kept, but such place must be inclosed by a fence at least six feet high, constructed of one strong pole, board or rail, with at least five strong rails, poles or boards, or barb wires thereunder, securely fastened, as nearly equi-distant apart as possible, to substantial posts, firmly set in the ground, not more than fourteen feet apart.

5. All fences constructed of at least four barbed or other wires, the lowest of which must not be more than one foot and a half above the ground, securely fastened as nearly equi-distant as possible to substantial posts firmly set in the ground at a distance not to exceed twenty feet apart.

There shall be tags of zinc, tin or sheet iron, not less than three inches square fastened to the top wire not to exceed five feet apart.

6. All fences constructed of any standard woven wire field fencing not less than three feet in height securely fastened to substantial posts set at a distance not exceeding thirty-five feet apart.

SECTION 2.

All acts and parts of acts in conflict herewith are hereby repealed.

SECTION 3.

This act shall take effect and be in force from and after its passage.

Approved March 16th. 1901.

SUBSTITUTE FOR SENATE BILL NO. 7.

An Act To Amend Sections 3611 and 3612 of the Political Code of Montana, Relating to the Location of Mining Claims And The Making and Filing of Declaratory Statements.

Be It Enacted By The Legislative Assembly of the State of Montana:

SECTION 1.

That Section 3611 of the Political Code of Montana be, and the same is, hereby amended so as to read as follows:

Section 3611. Before the expiration of sixty days from the date of posting such notice upon the claim, the locator or locators must sink a discovery shaft upon the lode or claim, (Mill site claims excepted),

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to the depth of at least ten feet from the lowest part of the rim of such shaft at the surface, or deeper if necessary, to show a well defined crevice or valuable deposit. Its equivalent in work must be done upon placer claims. A cut, cross-cut or tunnel which cuts a lode at the depth of ten feet below the surface, or an open cut of at least ten feet in length along the lode from the point where the lead may be in any manner discovered, is equivalent to a discovery shaft. The locator or locators must, within thirty days after posting of notice of location aforesaid, define the boundaries of his or their claim, by marking a tree or rock in place, or by setting a post or stone at each corner or angle of the claim. When a post is used it must be at least four inches square by four feet six inches in length, and set one foot in the ground, with a mound of earth or stone at least four feet in diameter by two feet in height around the post. When a stone is used, not a rock in place, it must be at least six inches square and eighteen inches in length, set two thirds of its length in the ground, which trees, stakes or monuments, must be so marked as to designate the corners.

SECTION 2.

That Section 3612 of the Political Code of Montana be, and the same is, hereby amended so as to read as follows:

Section 3612. Within sixty days of the date of posting the location notice upon the claim there shall be filed in the office of the County Clerk of the County in which the lode or claim is situated, a declaratory statement which shall contain:

1. The name of the lode or claim.

2. The name of the locator or locators.

3. The date of location and such description of the location of said claim with reference to some natural object or permanent monument as will identify the claim.

4. If a lode claim, the number of lineal feet claimed in length along the course of the vein each way from the point of discovery, with the width on each side of the center of the vein, and the general course of the lode or vein, as near as may be.

5. If a placer or mill site claim, the number of acres or superficial feet claimed.

6. The dimensions and location of the discovery shaft, cut, or tunnel, or its equivalent sunk upon lode or placer claims.

Such declaratory statement must be verified by the oath of the

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locator or one of the locators, and in case of a corporation, by an officer thereof duly authorized to act.

SECTION 3.

All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 4.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 15th. 1901.

SENATE BILL NO. 27.

An Act to amend Section No 3873 of the Political Code of Montana, Relating to the Publication of Delinquent Taxes, and to make the same more explicit.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section No 3873 of the Political Code of the State of Montana be and the same is hereby amended, so as to read as follows:

Section 3873. On or before the last Monday of each year, the county treasurer must publish the delinquent real estate and personal tax list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person; and he shall likewise publish, as a part thereof and attached thereto, but grouped together and following the foregoing, all personal taxes, due and delinquent and owing from persons who are assessed with personal property alone and no real estate, and the amount of delinquent tax due from each person owing the same, placed opposite to the name of each such person. The expenses of such publication shall be a charge against the county.

Approved February 28th. 1901.

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HOUSE BILL NO. 80.

An Act to Amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an act entitled, "An Act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to add to Article II, Chapter XII, Title X, Part III, of the Political Code, a section to be numbered 4084, regarding licenses," approved March 6, 1897, and to amend Section 4064 of the Political Code of Montana, relating to licenses.

Be it enacted by the Legislative Assembly of the State of Montana:—

Section 1. That Section 4063 of the Political Code of Montana as the same is now in force after amendment by an act approved March 6, 1897, be and the same is hereby amended so as to read as follows:—

Section 4063. Every person, who sells or offers for sale, directly or indirectly, any spirituous, malt, vinous, distilled or fermented liquors or wines, must obtain a license therefor from the County Treasurer, as prescribed in this Chapter, and must make the following payments therefor:

In all cities, towns, villages, or camps which contain a population of ten thousand or over, and for a distance of one mile from the limits thereof, three hundred dollars semi-annually.

In all cities, towns, villages or camps which contain a population of three thousand five hundred to ten thousand, two hundred and fifty dollars semi-annually.

In all cities, towns, villages or camps which contain a population of one thousand to thirty-five hundred, two hundred and forty dollars semi-annually.

In all cities, towns, villages or camps which contain a population of three hundred to one thousand, two hundred dollars semi-annually.

In all cities, towns, villages or camps which contain a population under three hundred, or elsewhere not provided for in this section, one hundred and fifty dollars semi-annually.

In no case shall any license contemplated in this section be issued for a less period than six months, and in all cases where licenses are issued the same must be paid for in advance, semi-annually and all licenses herein provided for shall be negotiable and transferable in the county where the same are issued.

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Section 2. That Section 4064 of the Political Code of Montana be and the same is hereby amended so as to read as follows:—

Section 4064. Every person who at a fixed place of business sells any goods, wares or merchandise, drugs or medicines, jewelry or wares of precious metals, whether on commission or otherwise, and all butchers, must obtain from the county Treasurer of the county in which the business is transacted, and for each branch of such business, license, and pay quarterly therefor an amount of money to be determined by the class in which such person is placed by the County Treasurer; such business to be classified and regulated by the amount of the monthly average sales made, or hiring done, and at the rate following: Those who are estimated to make average monthly sales to the amount:—

1. Of one hundred thousand dollars or more, constitute the first class, and must pay seventy-five dollars per month.

2. Of seventy-five thousand dollars and less than one hundred thousand dollars, constitute the second class, and must pay sixty dollars per month.

3. Of fifty thousand dollars and less than seventy-five thousand dollars, constitute the third class, and must pay forty dollars per month.

4. Of forty thousand dollars and less than fifty thousand dollars, constitute the fourth class, and must pay twenty-five dollars per month.

5. Of thirty thousand dollars and less than forty thousand dollars, constitute the fifth class, and must pay twenty dollars per month.

6. Of twenty thousand dollars and less than thirty thousand dollars, constitute the sixth class, and must pay fifteen dollars per month.

7. Of ten thousand dollars, and less than twenty thousand dollars, constitute the seventh class, and must pay twelve dollars per month.

8. Of five thousand dollars and less than ten thousand dollars, constitute the eighth class, and must pay eight dollars per month.

9. Of two thousand five hundred dollars, and less than five thousand dollars, constitute the ninth class, and must pay five dollars per month.

10. Of all amounts over twelve hundred and fifty dollars and under two thousand five hundred dollars per month, constitute the tenth class, and must pay four dollars per month.

11. Of all amounts over four hundred dollars and less than twelve hundred and fifty dollars per month, constitute the eleventh class, and must pay three dollars per month.

12. Of all amounts less than four hundred dollars per month, shall

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constitute the twelfth class, and must pay a license of one dollar per month.

13. Every person, company or corporation selling oleomargerine, butterine, or imitation of cheese shall pay a license of one cent per pound for all these articles sold.

14. Every person who keeps a public weighing or platform scales for hire shall pay a license of ten dollars per year.

15. Every person or persons who is engaged in the business of selling cigarettes, cigarette paper, or materials used in the making of cigarettes, except tobacco, shall pay a license of ten dollars per month, in addition to any other license herein provided for.

16. Each railroad company acting in the capacity of a warehouseman for the purpose of storing and distributing goods, except in their capacity of common carriers, shall pay a license of ten dollars per quarter in each county in which such business may be carried on.

Section 3. All acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect at the expiration of sixty days from and after its passage and approval by the Governor.

Approved March 4th. 1901.

SENATE BILL NO. 91.

An Act to Amend Sections 4157, 4158, 4161, and 4165, of Chapter II, Title I, of Part IV of the Political Code of the State of Montana, Relating to the Removal of County Seats.

Be it Enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That section 4157 of the Political Code of the State of Montana be and the same is amended so as to read as follows:

Section 4157. Whenever the inhabitants of any county of this State desire to remove the county seat of the county from the place where it is fixed by law or otherwise. to another place they may present a petition to the board of county commissioners of their county praying such removal. such place to be named in the petition and that an election be held to determine whether or not such removal must be made.

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SECTION 2.

That Section 4158 of the Political Code of the State of Montana be and the same is amended so as to read as follows:

Section 4158. If the petition is signed by a majority of the tax payers of such county. The board must at the next general election submit the question of removal to the electors of the county; provided that the term "tax payers" used in this section shall be deemed to mean "ad valorem tax payers," and that for the purpose of testing the sufficiency of any petition which may be presented to the county commissioners as provided in this section, the county commissioners shall compare such petition with the poll books in the county clerk's office constituting the returns of the last election held in their county, for the purpose of ascertaining whether such petition bears the names of a majority of the voters listed therein: and they shall make a similar comparison of the names signed to the petition with those appearing upon the listed assessment roll of the county for the purpose of ascertaining whether the petition bears the names of a majority of the ad valorem tax-payers as listed in said assessment roll; and if such petition then shows that it has not been signed by a majority of the legal voters of the county who are ad valorem tax payers thereof, it shall be deemed insufficient, and the question of removal of the county seat shall not be submitted.

Section 3. That section 4161 of the Political Code of the State of Montana be and the same is amended so as to read as follows:

Section 4161. When the returns have been received and compared and the results ascertained by the board, if two thirds of all the legal voters [votes] cast by those voting on the proposition are in favor of any particular place, the board must give notice of the results by posting notices thereof in all the election precincts of the county, and by publishing a like notice in a newspaper printed in the county at least once a week for four weeks.

Section 4. That section 4165 of the Political Code of the State of Montana be and the same is amended so as to read as follows:

Section 4165. When the county seat of a county has been once removed by a popular vote of the people of the county , it may be again removed from time to time in the manner provided by this Chapter.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14th. 1901.

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SENATE BILL NO. 85.

A bill for an act, entitled, "An act to secure to employees the payment of their wages in lawful money of the United States; Prohibiting the assignment of their wages to their employees, and prohibiting payment of their wages in other ways, except as provided in this act, and prescribing a penalty for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. It shall be unlawful for any person, firm, company, corporation or trust, or the business manager or agent of any such person, firm, company, corporation or trust, to sell, give, deliver or in any way, directly or indirectly, to any person employed by him, or it in payment of wages due or to become due, any script, token, check, draft, order, credit, or any book of account or other evidence of indebtedness payable to bearer or his assignees, except as hereinafter provided, but such wages shall be paid only in lawful money of the United States, or by check or draft drawn upon some bank in which such person, firm, company, corporation or trust, or the agent or business manager of such person, firm, company, corporation or trust, has money upon deposit to cash the same, and no assignment of any wages due, or to become due to any employee, shall be made to any person, firm, company, corporation or trust, or the business manager or agent of any such person, firm, company, corporation or trust, or to any one interested, directly or indirectly in any firm, company, corporation, or trust employing said laborer. And any contract to the contrary shall be void; provided, however, this shall not prevent ranchmen, farmers, lumber camps, or mining camps from supplying their employees or paying said employees in other than cash or check where there is no bank or other store than that owned by said employers at which said employees may purchase supplies, or cash their bankable checks received for their labor.

Section 2. Every person, company, corporation or trust, or agent or business manager of such person, firm, company corporation or trust, who violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than One Hundred ($100.00) Dollars, or more than Five Hundred ($500.00) Dollars, or by imprisonment in the county jail of not less than one month, or more than six months, or by both such fine and imprisonment.

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Section 3. This act shall be in force immediately upon its passage and approval by the Governor.

Approved March 7th. 1901.

SENATE BILL NO. 43.

An Act to Amend Section 604 of Chapter I, Title III, Part IV, Division I, of the Civil Code of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1.

That Section 604 of Chapter I, Title III, Part IV, Division I, of the Civil Code of the State of Montana be amended so as to read as follows:

Section 604. Corporations may be created under this article for any one or more of the following purposes:

First: To receive moneys in trust and to accumulate the same at such rates of interest as may be obtained or agreed upon, or to allow such interest thereon as may be agreed upon.

Second: To accept and execute all such trusts, and perform such duties of every description, as may be committed to them by any person or persons whatsoever, or by any corporations, or may be committed or transferred to them by order of any of the courts of record in this State or any other State, or of the United States.

Third: To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, or any other State, or of the United States, and execute such legal trusts in regard to the same, on such terms as may be declared, established or agreed upon in regard thereto, or to execute or guarantee any bond or bonds required by law, "To be given in any proceedings in law or equity," or equity in any of the courts of this state or any other state, or if the United States.

Fourth: To act as agent for the investment of money for other persons or corporations, "And as agents for persons and corporations," for the purpose of issuing, registering, transferring or countersigning the certificates of stock, bonds or other evidence of debt of any corporation, association, municipality, state or public authority as may be agreed upon.

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Fifth: To accept from and execute trusts for married women in respect to their separate property, whether real or personal, and act as agents for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies.

Sixth: To act as trustee, assignee, or receiver in all cases where it shall be lawful for any court of record, officer, corporation or person to appoint a trustee, assignee or receiver, and to be appointed, commissioned, and act as administrator of any estate, executor of any last will and testament of any deceased person and as guardian of the person and estate of any minor or minors or of the estate of any lunatic, imbecile, spendthrift, habitual drunkard, or other persons disqualified or unable to manage their estate.

Seventh: To guarantee the fidelity and diligent performance of the duty of persons holding public or private trust and to certify and guarantee title to real estate.

Eighth: To loan money upon real estate, collateral, or personal security, and execute and issue its notes, debentures, payable at a future date; and to pledge its mortgages upon real estate and other securities as security therefor.

Ninth: To buy and sell government, state, county, municipal and other bonds, and all kinds of negotiable, non-negotiable and commercial paper, stocks and other investment securities.

Tenth: To become endorser and surety and to secure indorsers and sureties for a compensation upon such terms and conditions as shall be agreed upon by the trustees of such corporation.

Eleventh: To accept, receive, and hold money on deposit, payable either on time or on demand, with or without interest, as may be agreed upon with the depositors, and to take and receive from any individual or corporation on deposit for safe keeping and storage, gold and silver plate, jewelry, stocks, and securities and other valuable and personal property, and to collect coupons, interest and dividends on said above described securities, and to rent out the use of safes and other receptacles on their premises upon such terms, and for such compensation as may be agreed upon.

SECTION 2.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

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SECTION 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Aproved March 15th. 1901.

SENATE BILL NO. 46.

An act to provide the conditions upon which foreign corporations may do business in this State, and to repeal sections 1030 to 1038 inclusive of the Civil Code of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.

All foreign corporations or joint stock companies, organized under the laws of any State, or of the United States, or of any foreign government, shall, before doing business within this state, file in the office of the the secretary of state, and in the office of the county clerk of the county wherein they intend to carry on business, a duly authenticated copy of their charter, or articles of incorporation, and also a statement, verified by the oath of the president and secretary of such corporation, and attested by a majority of its board of directors, showing:

1. The name of such corporation and the location of its principal office or place of business without this state; and the location of the place of business or principal office within this state.
2. The amount of capital stock.
3. The amount of its capital stock actually paid in, in money.
4. The amount of its capital stock paid in, in any other way, and in what.
5. The amount of the assets of the corporation and of what the assets consist, with the actual cash value thereof.
6. The liabilities of such corporation, and if any of its indebtedness is secured, how secured, and upon what property. Such corporation or joint stock company shall also file, at the same time, and in the same offices, a certificate, under the seal of the corporation, and the signature of its president, vice-president, or other acting head, and its secretary, if there be one, certifying that the said corporation has consented to be sued in the courts of this state, upon all causes of

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action arising against it in this state, and that service of process may be made upon some person, a citizen of this state, whose name and place of residence shall be designated in such certificate, and such service, when so made upon such agent shall be valid service on the corporation or company, and such agent shall reside at the principal place of business of such corporation or company.

Section 2.

The written consent of the person so designated to act as such agent shall also be filed in like manner, and such designation shall remain in force until the filing in the same offices of a written revocation thereof, or of a consent, executed in like manner. A certified copy of a designation so filed, accompanied with a certificate that it has not been revoked, is presumptive evidence of the execution thereof and conclusive evidence of the authority of the officer executing it.

Section 3.

If any foreign corporation shall attempt or commence to do business in this state without having first filed said statement, certificate and consent, required by this Act, no contract made by such corporation, or any agent or agents thereof, during the time it shall so neglect to file such statement, certificate or consent, shall be enforceable by the corporation until the foregoing provisions have been complied with.

Section 4.

Every such corporation shall annually, and within two months from the first day of April of each year, make a report, which shall be in the same form, and contain the same information as required in the statement mentioned in Section One of this Act, which report shall be filed in the office of the county clerk of the county wherein the business of said corporation is carried on, and a duplicate thereof in the office of the secretary of state.

Section 5.

Every foreign corporation doing business in this state contrary to the provisions of this Act is guilty of a misdemeanor.

Section 6.

Every person who acts as agent or in any other capacity for a foreign corporation, who has not complied with the provisions of law relating to foreign corporations, is guilty of a misdemeanor.

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Section 7.

Sections 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1038 of the Civil Code of Montana, the same constituting Title XI, of Part IV, Division I of said Code, and all other acts and parts of acts in conflict herewith, are hereby repealed.

Section 8.

Any foreign corporation or joint stock company now engaged in carrying on business in Montana, which has heretofore filed a copy of its charter or articles of incorporation, a statement, certificate designating an agent upon whom service of summons and other process may be made, and the consent of such agent in compliance with the provisions of Title XI, Part IV, Division I of the Civil Code of Montana shall not be required to comply with the provision of sections one and two of this Act, provided, that if the agent designated and appointed by such corporation or joint stock company does not now reside in this State, or has resigned, or his appointment has been revoked, or if he shall hereafter reside out of the State, or resign, or his appointment be revoked, such corporation or joint stock company shall be required to designate another agent and file such designation and the consent of such agent in accordance with the provisions of this act.

Section 9.

This act shall take effect immediately after its approval.

Approved March 9th. 1901.

SENATE BILL NO. 76.

An Act to Amend Section 1880 of Title VIII, Part IV Division II of the Civil Code of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1880 of Title VIII, Part IV, Division II of the Civil Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Section 1880. The right to the use of any unappropriated water of any natural stream, water course, spring, dry coulee, or other natural source of supply, and of any running water flowing in the streams.

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rivers, canyons and ravines of this State, may hereafter be acquired by appropriation.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 16th. 1901.

SENATE BILL NO. 50.

An Act to amend Sections 2495 and 2496 of Article III of Part IV of Division III of the Civil Code of the State of Montana, relating to Storage.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2495 of Article III of Part IV, Division III of the Civil Code of the State of Montana be, and it is hereby, amended so as to read as follows:

"Section 2495. Any storage or commission merchant receiving personal property from any person for storage and any common carrier of goods by whom any personal property is lawfully stored before or after the transportation thereof, may, after keeping the same in store for ninety days, in default of the payment of the storage or freight money on such personal property, advertise and sell the same at public auction, to the highest bidder, for cash, first giving notice of the time, the terms, and place of sale, and a description of the property to be sold, by publication in some newspaper published in the county where the property may be stored. Said notice shall be published at least once a week for four weeks next previous to the day of sale, and shall specify the amount due on the property to be sold, when a specified time has been agreed upon between the parties for the storage of said property, the same shall not be advertised until the expiration of the time agreed upon. Should there be no newspaper published in the county where such property is stored, then notice may be given in the newspaper published nearest thereto, in some other county, in this State. But no more of such property shall be sold than is necessary to pay the charges due, together with the costs.

Section 2. That Section 2496 of Article III of Part IV of Division

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III of the Civil Code of the State of Montana be, and the same is hereby amended so as to read as follows:

"Section 2496. After paying the expenses of sale, including the publication of notice, the storage or commission merchant, or the carrier, shall be authorized, out of the proceeds arising from the sale of the property, to retain the amount due him for storage or freight money, or both, due upon any such property, and the excess, if any, must be paid over to the person entitled to the proceeds thereof. All sales under this Article shall vest the Title to the property sold in the purchaser thereof."

Section 3. All Acts, and parts of Acts, inconsistent herewith shall be, and the same are, hereby repealed.

Section 4. This Act shall take effect and be in full force from and after its passage.

Approved Feby 25th. 1901.

SENATE BILL NO. 51.

An Act to Amend Section 2834 of Article III of Part IV of Division III of the Civil Code of the State of Montana, Relating to Bills of Lading.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2834 of Article III of Part IV of Division III of the Civil Code of the State of Montana be and it is hereby amended so as to read as follows:

Section 2834. A carrier on demand must subscribe and deliver to the consignor an original Bill of Lading and on demand must also furnish to him any reasonable number of copies thereof, each of such copies to be of the same tenor as the original and to express truly the original contract for carriage; and if any carrier refuses to do so, the consignor may take the freight from him and recover from him, besides, all damage thereby occasioned.

Section 2. All Acts, and parts of Acts, inconsistent herewith shall be, and the same are, hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage.

Approved Feby 28th. 1901.

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SENATE BILL NO. 55.

An Act creating the Twelfth Judicial District of the State of Montana to be composed of the Counties of Choteau and Valley, and providing the appointment of a Judge thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and hereby is created a new Judicial District of the State of Montana, to be known as the Twelfth Judicial District, and that the same embrace and compose all of the territory within the Counties of Choteau and Valley, which, from and after the passage and approval of this Act shall constitute the Twelfth Judicial District of the State of Montana.

Section 2. That within thirty days after the passage of this Act the Governor of this State shall duly appoint some fit and qualified person Judge of the Twelfth Judicial District to hold his office until his successor shall be duly elected and qualified.

Section 3. The compensation, powers and duties of the Judge of said Twelfth Judicial District shall be the same as are provided by law and the constitution of the State for District Judges.

Section 4. The Tenth Judicial District of the State of Montana shall hereafter be composed of the territory within the County of Fergus.

Section 5. The provisions of this Act shall not work the removal of the Judge of the said Tenth Judicial District, nor of any clerk of the District Court of any of the Counties of Choteau, Valley, or Fergus, but each of the clerks of the said District Courts shall continue to hold his office and enjoy the emoluments thereof as if this Act had not been passed.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby 25th. 1901.

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HOUSE BILL NO. 143.

An Act Entitled, "An Act To Amend Section 32, Title I. Part I. Chapter IV, Of The Code Of Civil Procedure, And To Provide For An Additional Judge For The Second Judicial District Of The State Of Montana.

Be It Enacted By The Legislative Assembly Of The State Of Montana:

Section 1. That section thirty-two, title one, part one, chapter four, of the code of civil procedure, be amended so as to read:

"Section 32. In each judicial district there must be a judge of the district court, who must be elected by the qualified voters of the district, and whose term of office is four years. In the first district there must be two judges, and in the second district there must be three judges."

Section 2. That the Governor of this state shall duly appoint some fit and qualified person as additional judge of the said second judicial district, to hold his office until his successor shall be duly elected and qualified.

Section 3. The compensation, powers and duties of the said judge of said second judicial district by this Act created, shall be the same as are provided by law and the constitution of the state for district judges.

Section 4. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. That this Act shall be in full force and effect from and after the first day of May, A. D. 1901.

Approved March 11th. 1901.

SENATE BILL NO. 64.

An Act to amend Section 38, of Chapter IV, of Title, I, of the Code of Civil Procedure of the State of Montana, relating to District Courts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 38, of Chapter IV, Of Title 1, of the Code of Civil Procedure be amended so as to read as follows:

Section 38. The District court of each county which is a judicial

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district by itself has no terms, must be always open for the transaction of business except on legal holidays and non-judicial days, and must hold its sessions at the county seat. Juries for the trial of causes must be called on the first Monday of every alternate month, if the judge so directs, and oftener if public business requires. In each district where two or more counties are united the judge thereof must fix the term of court in each county in his district, which must be held at the county seat, and there must be at least four terms a year in each county. The judge of such district court must, within ten days after the first day of December of each year, make an order which must designate the times at which the terms of court are to be held in each county in his district during the coming year, beginning with the first day of January following such order, and must cause such order or a copy thereof to be filed in the office of the clerk of the district court in each county in his district, and such clerk must cause the same to be published in some newspaper printed in his county for three successive weeks immediately after the filing of such order, the costs of which shall be a county charge, and no change of time of holding the terms of court so fixed in any county must be made during the year. Provided, that nothing in this Section shall be construed to prevent the calling of a special term of court with or without a jury when in the opinion of the presiding judge the same is necessary. The district judge may adjourn a term of district court in one county to a future day certain and in the mean time hold court in another county.

Approved March 7th. 1901.

HOUSE BILL NO. 75.

An Act Entitled, "An Act to Amend Sections 513 and 514, Chapter III, Title II, Part II, of the Code of Civil Procedure Relating to the Limitation of Time Within Which Actions may be Brought."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 513, Chapter III, Title II, Part II, of the Code of Civil Procedure be amended [so as] to read as follows:

Within five years:

An action upon a contract, account, promise, obligation, or liability, not founded on an instrument in writing.

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2. An action upon a liability created by statue, [statute] other than a penalty or forfeiture.

3. An action for trespass upon real property.

4. An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property.

5. An action for relief on the ground of fraud or mistake. The cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud and mistake.

6. An action to establish a will. Where the will has been lost, concealed, or destroyed, the cause of action is not deemed to have accrued, until the discovery, by the plaintiff, or the person under whom he claims, of the facts upon which its validity depends.

7. An action upon a judgment or decree, rendered in a court not of record. The cause of action, in such case, is deemed to have accrued, when final judgment was rendered.

Section 2. That Section 514, Chapter III, Title II, Part II, of the Code of Civil Procedure be amended [so as] to read as follows:

Within three years:

1. An action against a sheriff, coroner, or constable, upon a liability incurred by the doing of an act in his official capacity, and in virtue of his office, or by the omission of an offical duty, including the nonpayment of money collected upon an execution. But this subdivision does not apply to an action for an escape.

2. An action to recover damages for the death of one caused by the wrongful act or neglect of another.

Section 3. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11th. 1901.

SENATE BILL NO. 23.

An Act to amend Section 683, Chapter III, Title VI, Part II, of the Code of Civil Procedure Relating to Pleadings in Civil Actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 683, Chapter III, Title VI, Part II, of the Code of Civil Procedure be amended so as to read as follows:

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Section 683. If the complaint is amended a copy of the amendments must be filed, or the Court may in its discretion require the complaint as amended to be filed and a copy of the amendments, or amended complaint must be served upon defendants affected thereby.

The defendant must answer the amendment or complaint as amended within twenty days after service thereof or such other time as the Court may direct and judgment by default may be entered upon failure to answer as in other cases.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval of the Governor.

Approved Feby 15th. 1901.

SENATE BILL NO. 28.

An Act To Amend Section 925, Part II, Title VII, Chapter IV, Of The Code Of Civil Procedure, Relating to Attachment and Garnishment.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 925 of the Code of Civil Procedure be amended so as to read as follows:

Section 925. Money, credits, or other property belonging to or due and owing to another, in the possession of, or under the control of a public officer or board, including all officers or boards of a county. municipal corporation, and school district or state board or state government, may be attached or garnished while in such possession or under such control, by making service as provided in Section 899 of the Code of Civil Procedure, upon the clerk of the county or chairman of the board of county commissioners, the city clerk or mayor of a municipal corporation, or upon the clerk of the board of school trustees or chairman of such board, as the case may be.

Section 2.

All Acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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Section 3.

This act shall take effect ninety days after its passage and approval by the Governor.

Approved March 16th. 1901.

SENATE BILL NO. 19.

A Bill For An Act to amend Section No. 1080 of the Code of Civil Procedure of Montana, Relating to method of Procedure in the trial of Civil Actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1080 of the Code of Civil Procedure of the State of Montana be and the same is hereby amended, so as to read as follows:

Section 1080. When the jury has been sworn, the trial shall proceed in the following order, unless the Court, for good cause and special reason, otherwise directs:

1. The party on whom rests the burden of the issues may briefly state his case and the evidence by which he expects to sustain it.

2. The adverse party may then, or at the opening of his case, briefly state his defense and the evidence he expects to offer in support of it.

3. The party on whom rests the burden of the issues must first produce his evidence; the adverse party will then produce his evidence.

4. The parties will then be confined to rebutting evidence, unless the Court for good reasons, in furtherance of justice, permits them to offer evidence in their original case.

5. When the evidence is concluded, if either party desires special instructions to be given to the jury, such instructions shall be reduced to writing, numbered and signed, by the party, or his attorney, asking the same, and delivered to the Court. Whereupon counsel shall be allowed reasonable opportunity to argue to the Court the adoption or rejection of any instructions offered by counsel or proposed to be given to the jury by the Court.

The Court shall either give each instruction, as requested, or positively refuse to do so, or give the instruction with a modification, and shall mark or indorse upon each instruction, so offered, in such manner so that it shall distinctly appear what instructions were given in whole, or

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in part, and, in like manner, those refused or modified. All instructions given by the Court must be filed, together with those refused, as a part of the record.

6. When the instructions have been passed upon and settled by the Court, and before the arguments of counsel to the jury are begun, the Court shall charge the jury in writing, giving in connection therewith such instructions as are offered and allowed.

The charge of the Court, the instructions given and the modifications thereof, and the refusal to give instructions shall be deemed excepted to and no bill of exception shall be required, as to them. In charging the jury, the Court shall give to them all matters of law which it thinks necessary for their information in rendering a verdict.

7. When the jury has been charged, unless the case is submitted to the jury on either side, or on both sides, without argument, the party upon whom rests the burden of proof must commence and may conclude the argument. If several defendants, having several defences, appear by different counsel, the court must determine their relative order, in the evidence and argument. Counsel, in arguing the case to the jury, may argue and comment upon the law of the case, as given in the instructions of the Court, as well as upon the evidence of the case.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Feby 15th. 1901.

SENATE BILL NO. 101.

An Act to Amend Chapter I of Title XIII of Part II of the Code of Civil Procedure of Montana Relating to Appeals to the Supreme Court, by Adding Thereto Section 1745.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Chapter I of Title XIII of Part II of the Code of Civil Procedure of Montana be and the same is hereby amended by adding thereto a section to be known as Section 1745 and to read as follows:

Section 1745. That all transcripts, documents and papers filed in

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the Supreme Court in connection with any appeal taken, and mentioned in the preceding sections of this Chapter, may be printed or typewritten at the election of the party taking the appeal. If typewritten, a duplicate or duplicates thereof shall not be required to be filed, but three distinct carbon copies shall be supplied to the Clerk of the Supreme Court and one carbon copy shall be served on the adverse party.

Approved March 9th. 1901.

HOUSE BILL NO. 41.

An Act to amend Section 2131. of the Code of Civil Procedure, relating to filing liens of mechanics and others upon real property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2131. of the Code of Civil Procedure be amended [so as] to read as follows:

Section 2131. Every person wishing to avail himself of the benefits of this Chapter, must file with the County Clerk of the County in which the property or premises mentioned in the preceding Section is situated, and within ninety days after the material or machinery aforesaid has been furnished, or the work or labor performed, a just and true account of the amount due him, after allowing all credits, and containing a correct description of the property to be charged with such lien, verified by affidavit, but any error or mistake in the account or description does not affect the validity of the lien, if the property can be identified by the description, which paper containing the account, description and affidavit is deemed the lien; and when there is an open account between the parties for labor, material or machinery, such lien may be filed within ninety days after the date of the last item in such account, and include all items and charges contained therein, for material or machinery furnished for, or work performed on, the property on which the lien is claimed.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 7th. 1901.

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SENATE BILL NO. 92.

An Act to prevent the Slaughter and Sale of Big Jawed Cattle and Cattle having any other Disease, and prescribing punishment therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.

Any person who shall slaughter, sell or offer for sale for the purpose of food, any cattle having a big jaw or any other disease, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not exceeding Five Hundred Dollars or be imprisoned in the county jail not exceding one year, or by both such fine and imprisonment.

Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 9th. 1901.

A SUBSTITUTE FOR SENATE BILL NO. 61.

A Bill for an act to prevent fires from railroad engines and to provide a penalty for a violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That every railroad corporation operating its lines of road or any part thereof within this State, shall, between the fifteenth day of April and the first day of July in the Year 1901 and each succeeding year thereafter, plough in a good and workmanlike manner, covering the sod well, upon each side of its line of road wherever it passes through a range or grazing country, a continuous strip of not less than six feet in width on each side of its track, as a fire-guard, which said strip shall as near as practicable, run parallel with the line or lines of said roalroad,—and in addition to such

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ploughing, said railroad company shall cause to be burned, between the first day of May and the fifteenth day of August of each year. all the grass and vegetation between the said ploughed strips and the track of said roads; Provided that such fire guard so ploughed need not be constructed within the limits of any town, village or city, nor along the line of such railroad whenever the same runs through the mountains or elsewhere where such ploughing would be impracticable; and provided further, that said fireguard or portion thereof, need not be ploughed on or through any lands which may be released from the operation of this Act by the Secretary of the Board of Stock Commissioners by his written certificate of release filed in the office of the Secretary of the State of Montana; provided further, that said ploughing be not less than one hundred (100) feet from the center of the railroad track on each side of same, where the right of way embraces such area as to permit of same.

Section 2. That if any railroad company fails to comply with the provisions of Section 1 of this Act, the Secretary of the Board of Stock Commissioners may cause the ploughing and burning therein provided for, to be done, and may in a suit to be brought in his name, as said Secretary, in any Court of the State, recover double the amount of the cost of such ploughing and burning with reasonable attorney fees to be fixed by the Court, and such railroad company shall be liable further for all damages caused by its failure to comply with this Act.

Approved March 18th. 1901.

SENATE BILL NO. 4.

An Act prohibiting Railroad Corporations or an Association from making tunnel charges or additional charges for or on account of tunnels,

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person, association or corporation operating, leasing or owning a railroad in the State of Montana, to accept, demand or receive any tunnel charges, or to accept, demand or receive any extra mileage, or any extra compensation for or on account of any Tunnel through which said line of Railroad

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may run. Provided that none of the provisions of this Act shall apply to rates or charges for travel to or from points outside of the State of Montana.

Section 2. Any person, association or corporation, agent or manager, who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than $200 nor more than $1000 for each offense.

Section 3. This Act shall take effect and be in force on and after its passage and approval.

Approved Feby. 26th. 1901.

SENATE BILL NO. 56.

An act to prevent all Persons Owning or operating a Coal Mine on the Bank of a Stream Containing Fish or Water which is used for Domestic Purposes, or for irrigation from Depositing Coal Slack or Coal Screenings from such mine in such Stream, and for Fixing the Penalty for Failure to Comply with the Law.

Be It Enacted By The Legislative Assembly Of The State Of Montana:

Section 1.

All persons owning or having in operation, and all persons who may hereafter own or put in operation in the State of Montana, either in person or by agent, any coal mine on any stream containing fish or water which is used for domestic purposes, or for irrigation, are hereby prohibited from dumping, or causing to be dumped or deposited, any coal slack or screenings emanating from such coal mining operation into the waters of such stream. Provided that this act shall not be construed to prohibit persons, companies or corporations from dumping into or returning to said stream the water and refuse from coal washing or cleaning machinery or plants that may be situated on or continguous to any such stream.

All persons owning or operating, or who may hereafter own or operate any coal mine on any stream containing fish or water which is used for domestic purposes, or for irrigation, who shall drop, dump, cart or deposit, or cause or suffer to be deposited in such stream any such coal slack or coal screenings emanating from such coal-mining operation, shall be deemed guilty of a misdemeanor, and,

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upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than two hundred ($200.00) dollars nor more than five hundred ($500.00) dollars for each and every offense.

Section 2.

This act shall be in force and effect on and after November 1, 1901.

Approved March 9th. 1901.

SENATE BILL NO. 74.

An Act to Prohibit Gambling within the State of Montana, to Provide Penalties for Violations of this Act, and Repealing an Act of the Fifth Regular Session of the Legislative Assembly of Montana, Approved March 4, 1897, and Entitled "An Act to Prohibit Gambling Within the State of Montana and to Provide Penalties for a Violation of the Provisions thereof, and to Provide for the Enforcement thereof, and to Repeal All Laws in Conflict with this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.

Every person who deals, plays, carries on, opens or causes to be opened, or who conducts or causes to be conducted, either as owner or employee, any game of monte, lansquentet, rouge et noir, dondo, tan, fan-tan, percentage, stud horse poker, craps, seven and a half, twenty-one, or any banking or percentage game, or any game commonly known as a sure thing game, for money, checks, credits, or any representative of value, or for any property or thing whatever, any peeposcope or nickel-in-the-slot machine, exposing to view lewd, indecent or obscene pictures is punishable by a fine of not less than five hundred dollars nor more than one thousand dollars, and every person convicted of a violation of this Section must be imprisoned until such fine and costs are paid.

Section 2. Every person who carries on, opens or causes to be opened or who conducts or causes to be conducted, any game of faro, roulette,draw poker, stud horse poker, or what is commonly called round-the-table poker, or solo, or any game of chance played with cards, dice, or any device whatever, or who runs or conducts any nickel-in-

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the-slot machine or other similar machine or permits the same to be run or conducted, other than the games commonly known as sure-thing games, for money, checks, credits, or any representative of value, or for any property or thing whatever, and any person owning or in charge of any saloon, beer hall, bar room, cigar store or other place of business or any place where drinks are sold or served who permits any of the games mentioned in this Section to be played in or about such saloon, beer hall, bar room, cigar store or other place of business, or place where drinks are sold or served, is punishable by a fine of not less than $100.00 nor more than $1000.00; and every person convicted of a violation of Section 2 of this Act must be imprisoned until such fine and costs are paid.

Section 3.

Every person who, by the game of "three card" monte, so called, or any other game, device, sleight-of-hand, pretensions to fortune telling, trick or other means whatever, by use of cards or other instruments or implements, or while betting on sides or hands of any such game or play, fraudulently obtains from another person money or property of any description shall be deemed guilty of larceny, and must be punished as in case of larceny of property of like value.

Section 4.

Every person duly summoned as a witness for the prosecution on any proceedings had under the provisions of this Act, who neglects or refuses to attend as required, is guilty of a misdemeanor.

Section 5.

Any person, otherwise competent as witness, is not disqualified from testifying as such concerning the offense of gambling, on the ground that such testimony may criminate himself, but no prosecution may afterwards be had against him for any offense to which he testifies.

Section 6.

Every sheriff, constable, or police officer, shall have authority, and it shall be his duty upon receipt of information that any house, room, tent, or apartment is being conducted as a house, room or apartment for any of the games mentioned in this Act, to break open any door or opening into any such house, room, tent or apartment, with

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or without a warrant of arrest for the purpose of arresting such offenders of this Act.

Section 7.

Every owner, lessee, or keeper of any house used in whole or in part as a saloon or drinking place, who knowingly permits any person under eighteen years of age to play at any game of chance therein, is guilty of a misdemeanor.

Section 8.

Every state, county, city, town, or township officer who shall demand, ask for, receive, or collect any money or other valuable consideration for his own use, or the use of any of the officers herein named, for or with the understanding that he will aid, exempt or otherwise assist any person from arrest or conviction for a violation of this Act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county or city jail for not less than thirty days nor more than six months.

Section 9.

The Act of the Fifth regular Session of the Legislative Assembly of Montana, entitled "An Act to prohibit gambling within the state of Montana, and to provide penalties for the violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with this Act," approved March 4, 1897, together with all Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 10.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 15th. 1901.

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HOUSE BILL NO. 92.

An Act to amend Section 380 of the Penal Code of Montana, relating to kidnapping.

Be It Enacted By The Legislative Assembly of The State of Montana:

Section 1. That section 380 of the Penal Code of the State of Montana be amended so as to read as follows:

Section 380. Every person who wilfully—

1. Seizes, confines, inveigles or kidnaps, another with intent to cause him, without authority of law, to be secretly confined or imprisoned within this State, or to be sent out of the State, or in any way held to service or kept or detained against his or her will or against the will of his or her parent or guardian, whether such guardian be natural or appointed, and any person who,

2. Leads, takes, entices away or detains a child under the age of eighteen years with intent to keep or conceal it from its parent, guardian or other person having the lawful care or control thereof, or to extort or obtain money or reward for the return or disposition of the child, or with intent to steal any article about or on the person of the child or,

3. Abducts, entices or by force or fraud unlawfully takes or carries away another, at or from a place without the state or procures or advises, aids or abets such abduction, enticing, taking or conveying away, and afterwards sends, brings, has or keeps such person, or causes him to be kept or secreted within this State, is guilty of kidnapping and is punishable by imprisonment in the State Prison for not less than one year.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and take effect from and after its passage and approval by the Governor.

Approved March 11th. 1901.

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SENATE BILL NO. 67.

An Act entitled an act to amend section 517, Chapter V, Title IX, Part IV, of the Penal Code of the State of Montana relating to interment of human remains.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.

That section 517, Chapter V, Title IX, Part IV, of the Penal Code of the State of Montana be amended so as to read as follows:

Section 517. Every person who buries or inters, or causes to be buried, or interred, the dead body of any human being or any human remains without first having obtained a certificate of cause of death from a regular practicing physician of the State or the coroner of the county in which the death occurred is guilty of a misdemeanor. Any practicing physician of the State or any coroner in any county who fails to file a certified copy of every certificate of the cause of death which he shall issue in the office of the county Clerk and Recorder of the county in which the death occurs, within three days from time said certificate is issued, shall be guilty of a misdemeanor.

Upon information or knowledge of any infraction of this law the coroner shall immediately investigate the circumstance and make complaint against the offenders. Every person who buries or inters, causes to be buried or interred the dead body of any human [being] or any human remains in any place within the corporate limits of any city or town in this State, except in a cemetery or place of burial now existing under the laws of this State and in which interments have been made, or that is now or may hereafter be established or organized by the board of county commissioners of the county, or other legal authority, in which such city or town is situate is guilty of a misdemeanor.

Section 2.

All acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

This Act shall take effect from and after its passage and approval by the Governor.

Approved March 9th. 1901.

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HOUSE BILL NO. 13.

An Act to amend an Act entitled, an Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121. 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139. 1140, 1141, 1142, 1143, and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of said act, entitled an act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1149, 1140, 1141, 1142, 1143, and 1144, of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game, approved March 8th, 1897, be and the same is hereby amended [so as] to read as follows:

Section 1. Any person who wilfully shoots or kills, or causes to be shot or killed any Moose, Bison, Caribou, Buffalo, Quail, Chinese Pheasants, Mountain Sheep, Antelope or Beaver, shall be punished by imprisonment in the state prison for a term not exceeding two years, or in the county jail not less than six months, or shall be fined not more than Five Hundred ($500.00) Dollars, nor less than Fifty ($50.00) Dollars, or by both such fine and imprisonment, provided, however, it shall be lawful for any person to kill beaver upon his own premises, when such killing is necessary for the protection of said premises.

Section 2. That Section 2 of said Act be, and the same is hereby amended so as to read as follows:

Section 2. Any person who wilfully shoots or kills, or causes to be shot or killed any female elk, and any person who between the first day of November of one year and the first day of September of the following year wilfully shoots or kills or causes to be shot or killed any male elk, or who in a single open season shall shoot or kill, or cause to be shot or killed more than two male elk, shall be punished by imprisonment in the state prison for a term not exceeding more than two years, or in the county jail not less than six months, or by a fine

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of not more than five hundred dollars nor less than one hundred, or by both such fine and imprisonment.

Section 3. That Section 3 of said Act be and the same is hereby amended so as to read as follows:

Section 3. Any person who between January first and September first of the same year, wilfully shoots or kills, or causes to be shot or killed, any deer, Rocky Mountain goat, or who, in a single calendar year's open season shoots or kills, or causes to be shot or killed more than six deer or Rocky Mountain goat, shall be punished by imprisonment in the state prison for a term not exceeding one year, or in the county jail not less than three months, or by a fine of not more than Five Hundred ($500.00) Dollars nor less than One Hundred ($100.00) Dollars, or by both such fine and imprisonment.

Section 4. That Section 5 of said Act be so amended as to read as follows:

Section 5. Every person who between the first day of December and the first day of September of the following year, wilfully shoots or kills or causes to be shot or killed, any grouse or prairie chicken, fool hen, pheasant, or partridge, or who between the 15th day of December and the first day of August, of the year following, wilfully shoots or kills, or causes to be shot or killed, any sage hen or turtle dove, or who during the open season shoots or kills, or causes to be shot or killed, more than twenty (20) grouse or prairie chicken, or fool hen, or pheasant, or sage hen, or turtle dove, or partridge, in one day, shall be punished by a fine of not less than Twenty-five ($25.00) Dollars, nor more than Two Hundred and fifty ($250.00) Dollars, or by imprisonment in the county jail to not exceed three months, nor less than one month, or by both such fine and imprisonment.

Section 6. Any non-resident, who is not a taxpayer in the State of Montana, who hunts or kills any deer, Rocky Mountain goat, or elk, without having first procured a license thereof [therefor], as provided by law, shall be punished by imprisonment in the state prison for a term not exceeding one year, or in the county jail not less than one month or by a fine of not more than Five Hundred Dollars, or less than One Hundred Dollars or by both such fine and imprisonment.

Section 7. Any non-resident, who is not a tax payer in the State of Montana, who hunts or kills any grouse, prairie chicken, fool

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hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant, or swan, without having first procured a license therefor, as provided by law, shall be punished by a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not to exceed three months, nor less than one month, or by both such fine and imprisonment.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in effect from and after its passage and approval.

Approved March 14th. 1901.

SENATE BILL NO. 20.

An Act to amend Section No 2070 of the Penal Code of Montana, relating to Method of Procedure in the trial of Criminal Actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section No 2070 of the Penal Code of the State of Montana be and the same is hereby amended, so as to read as follows:

Section 2070. The jury having been impaneled and sworn, the trial must proceed in the following order, unless, for good cause, otherwise directed by the Court:

1. The County Attorney must state the case and offer evidence in support of the prosecution.

2. The defendant, or his counsel, may then state his defense and offer evidence in support thereof.

3. The parties may respectively offer rebutting testimony only, unless the Court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

4. When the evidence is completed, if either party desires special instructions to be given to the jury, such instructions shall be reduced to writing, numbered and signed by the party, or his attorney, asking the same, and delivered to the Court, whereupon counsel shall be given reasonable opportunity to argue to the Court any instructions offered by counsel or proposed by the Court to be given to the jury. The Court shall either give each instruction, as requested, or positively refuse to do so, or give the instruction with a modification,

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and shall mark or endorse upon each instruction so offered, in such manner so that it shall distinctly appear what instructions were given in whole, or in part, and in like manner, those refused, or modified. All instructions given by the Court must be filed, together with those refused, as a part of the record.

5. When the instructions have been passed upon and settled by the Court, and before the arguments of counsel to the jury are begun, the Court shall charge the jury in writing, giving in connection therewith such instructions as are offered and allowed. The charge of the Court, the instructions given and the modification thereof, and the refusal to give instructions, shall be deemed excepted to and no bill of exception shall be required, as to them. In charging the jury, the court shall give to them all matters of law which it thinks necessary for their information in rendering a verdict.

6. No refused instruction must be read in hearing of the jury; nor must the court, in any case, make any oral comments to the jury on the instructions, unless by agreement of both parties.

7. When the jury has been charged, unless the case is submitted to the jury, on either side, or on both sides, without argument, the plaintiff must commence and may conclude the argument. If several defendants, having several defences, appear by different counsel, the court must determine their relative order in the evidence and argument. Counsel, in arguing the case to the jury, may argue and comment upon the law of the case, as given in the instructions of the court, as well as upon the evidence of the case.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Feby 15th. 1901.

HOUSE BILL NO. 175.

An Act Entitled An Act Making Appropriations for the Executive and Judicial Departments of the State Government for the Fiscal Years Ending November 30th, 1901, and November 30th, 1902.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1 That the following sums, or so much thereof as may

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be necessary, be and the same are hereby appropriated for the objects hereinafter expressed, for the Fiscal Year ending November 30th, 1901.

EXECUTIVE DEPARTMENT.

For the Fiscal Year ending November 30th, 1901.

For the salary of the Governor, five thousand dollars.

For the salary of the Governors private secretary, two thousand four hundred dollars.

For the salary of a stenographer to the Governor, one thousand eight hundred dollars.

For the Governor's office expenses, five hundred dollars.

For the salary of the Secretary of State, three thousand dollars.

For the salary of the Assistant Secretary of State, one thousand eight hundred dollars.

For the publication and distribution of fifty thousand copies of the report of the Bureau of Agriculture, Labor and Industry, for 1900, Eight Thousand Five Hundred Dollars, which reports shall be distributed by the State Auditor; provided, that the State Auditor upon the written request of any member of the Legislature, or any state officer shall furnish such applicant not to exceed ten copies free of charge, and provided further, that any other person may be furnished any reasonable number of copies at the price of twenty cents per copy exclusive of postage or express.

For the salary of a stenographer to the Secretary of State, one thousand two hundred dollars.

For extra clerical hire for the Secretary of State, six hundred dollars.

For office expenses of Secretary of State, six hundred dollars.

For the Secretary of State for indexing the laws, one hundred and fifty dollars.

For the salary of the State Treasurer, three thousand dollars.

For the salary of the Assistant State Treasurer, one thousand eight hundred dollars.

For the salary of a clerk to the State Treasurer, one thousand five hundred dollars.

For incidental expenses of the State Treasurers office, four hundred dollars.

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For salary of clerk to [of] State Board of Equalization, one thousand eight hundred dollars.

For office expenses of the State Board of Equalization, four hundred dollars.

For the salary of the State Auditor, three thousand dollars.

For the salary of the Assistant State Auditor, one thousand eight hundred dollars.

For the salary of a stenographer to the Auditor, one thousand two hundred dollars.

For the salary of a clerk to the State Auditor, one thousand two hundred dollars.

For office and traveling expenses of the State Auditor, four hundred dollars.

For the salary of the Attorney General, three thousand dollars

For the salary of the first Assistant Attorney General, two thousand dollars.

For the salary of the second Assistant Attorney General, one thousand and eight hundred dollars.

For salary of a stenographer to the Attorney General, one thousand and two hundred dollars.

For the office and traveling expenses of the Attorney General and his assistants, four hundred and fifty dollars.

For office and traveling expenses of the Board of Commissioners of the Insane, one hundred dollars.

For office and traveling expenses of the Board of State Prison Commissioners, two hundred fifty dollars.

For salary of a clerk to the [Board of] Insane and Prison Commissions [Commissioners], one thousand two hundred dollars.

For the salary of the Superintendent of Public Instruction, two thousand five hundred dollars.

For the salary of a clerk to the Superintendent of Public Instruction, one thousand five hundred dollars.

For office and traveling expenses of the Superintendent of Public Instruction, one thousand two hundred dollars.

For traveling expenses of the State Board of Education, eight hundred dollars.

For the salary of the State Examiner, two thousand five hundred dollars.

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For the salary of the Assistant State Examiner, one thousand five hundred dollars.

For the office and traveling expenses of the State Examiner and his Assistant, one thousand two hundred dollars.

For the salary of the State Veterinary Surgeon, two thousand five hundred dollars.

For office expenses for State Veterinarian, one thousand eight hundred dollars.

For the salary of the Commissioner of the Bureau of Agriculture, Labor and Industry, two thousand five hundred dollars.

For the salary of a clerk to the Commissioner of the Bureau of Agriculture, Labor and Industry, one thousand five hundred dollars.

For the expenses of the Bureau of Agriculture, Labor, and Industry, two thousand five hundred dollars.

For the salary of the State Boiler Inspector, two thousand four hundred dollars.

For the salary of the Assistant State Boiler Inspector, one thousand eight hundred dollars.

For office and traveling expenses of State Boiler Inspector and his Assistant, three thousand five hundred dollars.

For the salary of the State Mine Inspector, two thousand four hundred dollars.

For the salary of the Deputy Mine Inspector, one thousand six hundred [and] fifty dollars.

For office and traveling expenses of Mine Inspector and his deputy, two thousand dollars.

For the salary of the Inspector of Coal Mines, two thousand dollars.

For the office and traveling expenses of the Inspector of Coal Mines, one thousand five hundred dollars.

For insurance, care and incidental expenses of National Guard property and Light Battery property, to be apportioned by and expended under the direction of the Governor, eight hundred dollars.

For the salary of a clerk to [of] the State Board of Pardons, one thousand two hundred dollars.

For office expenses of State Board of Pardons, one hundred dollars.

For the salary of a clerk to the State Board of Examiners, one housand eight hundred dollars.

For office expenses of the State Board of Examiners, two hundred lollars.

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For the salary of the Librarian of the State Law Library, one thousand two hundred dollars.

For incidental expenses of State Law Library, six hundred dollars.

For books for the State Law Library, seven hundred fifty dollars.

For the salary of the Librarian of the State Historical Library, one thousand two hundred dollars.

For maintenance, catalogueing, printing, binding, etc., in the State Historical Library, one thousand five hundred dollars.

For extra supplies for the state offices, one thousand dollars.

For extra clerical hire for state officers, one thousand five hundred dollars.

For an engineer and for incidental expenses of the Director of the State Experimental Station, one thousand five hundred dollars.

For the public printing, seven thousand five hundred dollars.

For printing the Montana Reports, one thousand eight hundred dollars.

For rewards offered by the Governor, one thousand dollars.

For requisitions, one thousand dollars.

For rental and janitor of State Offices, six thousand three hundred dollars.

JUDICIAL DEPARTMENT.

For the Fiscal Year ending November 30th, 1901.

For the salary of three justices of the Supreme Court, twelve thousand dollars.

For the salary of the clerk of the Supreme Court, two thousand dollars.

For the salary of the stenographer of the Supreme Court, one thousand eight hundred dollars.

For compensation of the Justices of the Supreme Court for services in reporting decisions, four thousand five hundred [dollars].

For the salary of the Marshal of the Supreme Court, one thousand two hundred dollars.

For the salary of the attendant of the Justices of the Supreme Court, nine hundred [and] thirty-nine dollars.

For contingent expenses of the office of the clerk of the Supreme Court, three hundred dollars.

For the salary of fifteen District Judges, fifty-two thousand five hundred dollars.

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For the salary of County Attorneys, twenty one thousand five hundred dollars.

Section 2. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated for the objects hereinafter expressed, for the Fiscal Year ending November 30th, 1902.

EXECUTIVE DEPARTMENT.

For the Fiscal Year ending November 30th, 1902.

For the salary of the Governor, five thousand dollars.

For the salary of the Private Secretary to the Governor, two thousand four hundred dollars.

For the salary of a stenographer to the Governor, one thousand eight hundred dollars.

For the office expenses of the Governor, five hundred dollars.

For the salary of the Secretary of State, three thousand dollars.

For the salary of the Assistant Secretary of State, one thousand eight hundred dollars.

For the salary of a stenographer to the Secretary of State, one thousand two hundred dollars.

For extra clerical hire for the Secretary of State, two hundred fifty dollars.

For office expenses of the Secretary of State, six hundred dollars.

For the salary of the State Treasurer, three thousand dollars.

For the salary of the Deputy State Treasurer, one thousand eight hundred dollars.

For the salary of a clerk to the State Treasurer, one thousand five hundred dollars.

For incidental expenses of the office of the State Treasurer, four hundred dollars.

For the salary of a clerk to [of] the State Board of Equalization, one thousand eight hundred dollars.

For office expenses of the State Board of Equalization, four hundred dollars.

For the salary of the State Auditor, three thousand dollars.

For the salary of the Assistant Auditor, one thousand eight hundred dollars.

For the salary of a stenographer to the Auditor, one thousand two hundred dollars.

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For the salary of a clerk to the State Auditor, one thousand two hundred dollars.

For office and traveling expenses of State Auditor, four hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the first Assistant Attorney General, two thousand dollars.

For the salary of the second Assistant Attorney General, one thousand eight hundred dollars.

For the salary of a stenographer to the Attorney General, one thousand two hundred dollars.

For office and traveling expenses of the Attorney General, four hundred [and] fifty dollars.

For office and traveling expenses of Board of Commissioners of the Insane, one Hundred dollars.

For office and traveling expenses of the Board of State Prison Commissioners, two hundred fifty dollars.

For [the salary of] a clerk to the [Board of] Insane and Prison Commissioners, one thousand two hundred dollars.

For the salary of the State Superintendent of Public Instruction, two thousand five hundred dollars.

For the salary of a clerk to the Superintendent of Public Instruction, one thousand five hundred dollars.

For office and traveling expenses of the Superintendent of Public Instruction, one thousand two hundred dollars.

For traveling expenses of the State Board of Education, eight hundred dollars.

For the salary of the State Examiner, two thousand five hundred dollars.

For salary of Assistant State Examiner, one thousand five hundred dollars.

For office and traveling expenses of State Examiners, one thousand two hundred dollars.

For the salary of the State Veterinary Surgeon, two thousand five hundred dollars.

For expenses of office of State Veterinary Surgeon, one thousand eight hundred dollars.

For the salary of the Commissioner of Agriculture, Labor and Industry, two thousand five hundred dollars.

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For the salary of a clerk to the Commissioner of Agriculture, Labor and Industry, one thousand five hundred dollars.

For expenses of the Bureau of Agriculture, Labor and Industry, two thousand five hundred dollars.

For the salary of the State Boiler Inspector, two thousand four hundred dollars.

For the salary of the Assistant Boiler Inspector, one thousand eight hundred dollars.

For office and traveling expenses of the Boiler Inspectors, three thousand five hundred dollars.

For the salary of the State Mine Inspector, two thousand four hundred dollars.

For the salary of the Deputy Mine Inspector, one thousand six hundred [and] fifty dollars.

For office and traveling expenses of the State Mine Inspectors, two thousand dollars.

For the salary of the Inspector of Coal Mines, two thousand dollars.

For the office and traveling expenses of the Inspector of Coal Mines, one thousand five hundred dollars.

For insurance, care and incidental expenses of National Guard property and Light Battery property, to be apportioned by and expended under the direction of the Governor, eight hundred dollars.

For the salary of a clerk to the State Board of Pardons, one thousand two hundred dollars.

For office expenses of the State Board of Pardons, one hundred dollars.

For salary of a clerk to the State Board of Examiners, one thousand eight hundred dollars.

For office expenses of the State Board of Examiners, two hundred dollars.

For the salary of the Librarian of the State Law Library, one thousand two hundred dollars.

For incidental expenses of the State Law Library, six hundred dollars.

For books for the State Law Library, seven hundred fifty dollars.

For the salary of the Librarian of the State Historical Library, one thousand two hundred dollars.

For books and incidental expenses State Historical Library, two hundred and fifty dollars.

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For maintenance, catalogueing, printing, binding, cases, et cet[e]ra, for State Historical Library, one thousand five hundred dollars.

For extra supplies for the state offices, one thousand dollars.

For extra clerical hire for state officers, one thousand five hundred dollars.

For an engineer and for incidental expenses of the Director of the State Experimental Station, one thousand five hundred dollars.

For the public printing, seven thousand five hundred dollars.

For printing the Montana Reports, one thousand eight hundred dollars.

For rewards offered by Governor, one thousand dollars.

For requisitions, one thousand dollars.

For maintenance and care of Capital Building and the State Offices, seven thousand nine hundred fifty-five dollars.

For expenses of moving state archives, et cetera, from present quarters to new capitol building, five hundred dollars.

JUDICIAL DEPARTMENT.

For the Fiscal Year ending November 30th, 1902.

For the salary of three Justices of the Supreme Court, twelve thousand dollars.

For the salary of the clerk of the Supreme Court, two thousand dollars.

For the salary of the stenographer of the Supreme Court, one thousand eight hundred dollars.

For compensation of the Justices of the Supreme Court for services in reporting decisions, four thousand five hundred dollars.

For the salary of the Marshal of the Supreme Court, one thousand two hundred dollars.

For the salary of attendant of Justices of the Supreme Court, nine hundred [and] thirty-nine dollars.

For contingent expenses of the office of the Clerk of the Supreme Court, three hundred dollars.

For the salaries of fifteen District Judges, fifty-two thousand five hundred dollars.

For the salaries of County Attorneys, twenty-one thousand five hundred dollars.

Amend by inserting

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"For the payment of the per diem of the Officers and Attaches, of the Seventh Legislative Assembly, Thirty-Five Hundred Dollars."

Approved March 8th. 1901.

HOUSE BILL NO. 174.

An Act Entitled An Act Making Appropriations For The State Institutions of Montana For The Fiscal Years Ending November 30th., 1901, and November 30th, 1902.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same hereby are appropriated for the objects hereinafter expressed, for the fiscal year ending November 30th. 1901:

For the maintenance of the state prison, fifty-seven thousand dollars.

For the maintenance of the insane, one hundred twenty thousand dollars.

For the maintenance of reform school, twenty two thousand dollars.

For the maintenance of the school of mines, twenty-five thousand dollars.

For a steam heating plant for the school of mines, five thousand seven hundred dollars.

For deficiency from 1900 for school of mines, two thousand one hundred sixty-one dollars and seventy-seven cents.

For the maintenance of the orphans home, eighteen thousand dollars.

For the maintenance of the agricultural college, ten thousand dollars.

For a steam heating plant for the agricultural college, fifteen thousand dollars.

For the maintenance of the normal school, sixteen thousand nine hundred fifteen dollars.

For the maintenance of the soldiers home, seven thousand five hundred thirty-five dollars.

For heating stoves for soldiers home, six hundred dollars.

For the maintenance of the State university, thirty-five thousand seven hundred sixty-five dollars.

For the maintenance of the deaf, dumb and blind asylum, sixteen thousand seven hundred eighty dollars.

For the completion and equipment of the state capitol building

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and preparation of the grounds, to be expended under the direction of the state capitol commission, eighty-nine thousand five hundred eighty-two dollars and sixty-three cents.

For the maintenance of the national guard [of the] State [of] Montana, five thousand dollars.

Section 2. That the following sums, or so much thereof as may be necessary, be and the same hereby are appropriated for the objects hereinafter expressed, for the fiscal year ending November 30th, 1902.

For the maintenance of the state prison, fifty-seven thousand dollars.

For the maintenance of the insane, one hundred twenty thousand dollars.

For the maintenance of reform school, twenty two thousand dollars.

For the maintenance of the school of mines, twenty-five thousand dollars.

For the maintenance of the agricultural college, ten thousand dollars.

For irrigation at agricultural college, two thousand dollars.

For the erection of a dairy department at the agricultural college, two thousand five hundred dollars.

For the maintenance of the orphans home, twenty thousand dollars.

For the maintenance of the normal school, eighteen thousand four hundred forty dollars.

For the maintenance of the soldiers home, eight thousand six hundred eight dollars.

For the maintenance of the state university, thirty-five thousand seven hundred sixty-five dollars.

For the maintenance of the deaf, dumb and blind asylum, seventeen thousand nine hundred sixty dollars.

For the completion, equipment, and furnishing of the state capitol building and preparation of the grounds, eighty-nine thousand five hundred eighty-two dollars and sixty-three cents; sixty thousand dollars of which shall be expended by and under the direction of the state furnishing board, and twenty-nine thousand five hundred eighty-two dollars and sixty-three cents of which said sum shall be expended by and under the direction of the state capitol commission.

Approved March 8th. 1901.

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HOUSE BILL NO. 15.

An Act to appropriate moneys for the payment of mileage and per diem for the members of the Seyenth Legislative Assembly of the State of Montana, also for the payment of per diem of the officers and attaches thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty two thousand dollars ($42,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds not otherwise appropriated for the payment of mileage and per diem for the members of the Seventh Legislative Assembly of the State of Montana.

Section II. That the sum of eighteen thousand dollars ($18,000.) or so much thereof as may be necessary, be and the same is hereby appriated out of any moneys not otherwise appropriated, for the payment of the per diem of the officers and attaches of the Seventh Legislative Assembly of the State of Montana.

Approved Jany 19th. 1901.

HOUSE BILL NO. 189.

An Act Entitled an Act Making Appropriation for The Incidental Expenses of the Seventh Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same hereby is appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the incidental expenses of the Seventh Legislative Assembly.

Section 2. That the Auditor is hereby authorized and directed to draw his warrants for the same and the State Treasurer is authorized to pay the same.

Section 3. That this act shall be in force and effect from and after its passage and approval.

Approved March 8th. 1901.

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HOUSE BILL NO. 14.

An Act Entitled, "An Act appropriating money for the relief of the State Deaf, Dumb and Blind Asylum.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I. That there be and there hereby is appropriated the sum of Thirty-two Thousand Nine Hundred ($32,900.00) Dollars, or so much thereof as may be necessary, out of any moneys in the hands of the State Treasurer not otherwise appropriated, for the purpose of erecting a new wing or addition to the State Deaf, Dumb and Blind Asylum at Boulder, Montana, and to provide for the plumbing thereof and for the changing and enlarging of the present heating plant and engine for heating the same.

Section II. That there be, and there is hereby appropriated the sum of Forty-six Hundred ($4600.00) Dollars, or so much thereof as may be necessary out of the moneys in the State Treasury, not otherwise appropriated for the purpose of building and equipping a boiler house and heating plant at the State Deaf, Dumb and Blind Asylum at Boulder, Montana.

Section III. That there be and there is hereby appropriated the sum of Four Thousand ($4000.00) Dollars or so much thereof as may be necessary out of any moneys in the State Treasury, not otherwise appropriated, for the purpose of furnishing the said new wing or addition to the State Deaf, Dumb and Blind Asylum at Boulder, Montana.

Section IV. Of the Forty-one Thousand Five Hundred ($41,500.00) Dollars appropriated by this Act, the sum of Twenty Thousand ($20,000.00) Dollars is appropriated for the fiscal year ending November 30th, 1901, and the sum of Twenty-one Thousand Five Hundred ($21,500.00) Dollars is appropriated for the fiscal year ending November 30th, 1902.

Section V. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section VI. This Act shall take effect and be in force on and after its passage and approval.

Approved March 16th. 1901.

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HOUSE BILL NO. 31.

An Act entitled, "An Act appropriating money for the relief and benefit of the State Orphans Home."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and is hereby appropriated the sum of Twelve Thousand Five Hundred ($12,500.00) Dollars, or so much thereof as may be necessary, out of the moneys in the hands of the State Treasurer, not otherwise appropriated, for the purpose of completing the main building of the Orphans Home, at Twin Bridges, Montana, during the year 1901.

Section 2. That there be, and there is hereby appropriated the sum of Five Thousand ($5,000.00) Dollars, or so much thereof as may be necessary, out of moneys in the State Treasury, not otherwise appropriated, for the purpose of building and equipping a cottage for a nursery, at the State Orphans Home, Three Thousand ($3,000.00) Dollars of said appropriation to be available during the year 1901, and Two Thousand ($2,000.00) Dollars thereof during the year 1902.

Section 3. If the purpose for which the moneys appropriated by Sections One (1) and Two (2) of this Act, has not been fully accomplished at the end of the fiscal year, and the work is in progress, and has not been completed, any part of such appropriation remaining unused shall not revert back to the general fund of the State, but shall continue to be available for the purpose herein named for the period of Two (2) years from and after the commencement of said appropriation.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 16th. 1901.

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HOUSE BILL NO. 58.

An Act appropriating money for the maintenance, extension and improvement of the State Reform School.

Be It Enacted By The Legislative Assembly Of The State Of Montana:

Section 1. That there be and there is hereby appropriated the sum of one thousand ($1000.00) dollars, or so much thereof as may be necessary, out of the moneys in the State Treasury not otherwise appropriated, for the purchase of machinery and material for manual training work at the State Reform School at Miles City, Montana.

Section 2. That there be and there is hereby appropriated the sum of five hundred ($500.00) dollars, or so much thereof as may be necessary, out of the moneys in the State Treasury not otherwise appropriated, for repairs and improvements at the State Reform School at Miles City, Montana.

Section 3. That if the purpose for which the moneys appropriated by Sections 1, and 2 of this Act have not been fully accomplished at the end of the fiscal year, any part of such appropriations remaining unused, shall not revert back to the General Fund of the State but shall continue to be available for the purposes therein named for the period of two years from and after the commencement of said appropriations.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 16th. 1901.

HOUSE BILL NO. 110.

An Act Entitled, An Act Appropriating Money for the Payment of Claims of Certain Persons Account Expenses of Members of the State Board of Education in the Year 1900.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred ninety-nine and 55-100 ($199.55) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for

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expenses incurred as members of the State Board of Education in the year 1900.

A. R. Gates, assignee J. P. Hendricks	$ 48.85
A. R. Gates, assignee J. G McKay	59.45
H. R. Melton	35.35
O. F. Goddard	55.90
	$199.55

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, and for the amounts set down opposite their names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Aproved March 12th. 1901.

HOUSE BILL NO. 111.

An Act Entitled, "An Act Appropriating Money for the payment of Claims of Certain Persons Account of Public Printing in the Year 1900."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of fifteen ($15.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons, account of public printing in the year 1900.

Great Falls News,	$ 7.50
Billings Times,	7.50
	$15.00

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, and for the amounts set down opposite their names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

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HOUSE BILL NO. 112.

An Act Entitled, "An Act Appropriating Money for the Payment of the Claim of W. M. Biggs, Account Supplies Furnished Historical Library."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventeen ($17.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said W. M. Biggs, for supplies furnished the Historical Library in the year 1900.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said W. M. Biggs, for the amount named in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 16th. 1901.

HOUSE BILL NO. 113.

An Act Entitled, An Act Appropriating Money for the Payment of Claims of Certain Persons for Services Rendered, and Supplies Furnished to Deaf and Dumb Asylum for the year 1900.

Be it Enacted by the Legislative Assembly of the State of Montana:—

Section 1. That the sum of one hundred ninety-one and 36-100 ($191.36) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished to the Deaf and Dumb Asylum for the year 1900.

Montana Electric Co	$ 39.70
Thos. S. McAloney	40.00
W. V. Myers	20.00
John F. Sheehey	20.00
Charles Scharf	36.66
Sam Wing	35.00
	$191.36

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Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

HOUSE BILL NO. 114.

An Act Entitled, "An Act Appropriating Money for the payment of the Claim of Lester S. Willson, Account Trustee of Soldiers' Home in the Year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of thirty-three and 10-100 ($33.10) dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the claim of said Lester S. Willson, account services as trustee of Soldiers' Home in the year 1896.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Lester S. Willson, for the amount stated in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Setcion 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approvd March 12th. 1901.

HOUSE BILL NO. 115.

An Act Entitled, An Act Appropriating Money for the Payment of Claims of Certain Persons Account Salaries, Services and Supplies at the University of Montana in the year. 1900.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-four hundred sixty-five and 61-100 ($2465.61) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the claims of the following

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named persons, account salaries, services and supplies at the University of Montana, in the year 1900.

J. L. Spohn	$ 240.00
Richard Kessler	225.00
J. H. T. Ryman	66.22
George Freisheimer	47.07
Keuffel & Esser Co	14.50
A. C. McClurg & Co	15.80
Iler & Co.	14.04
Missoula Mercantile Co.	141.91
J. L. McBride	30.60
Harold Blake	5.15
J. W. Lister	22.40
Missoula Light & Power Co.	86.25
Independent Publishing Co.	75.01
Oscar J. Craig	250.00
Wm. D. Harkins	125.00
Francis A. Corbin	100.00
Arthur L. Westcott	125.00
Cynthia E. Riley	112.50
Wm. M. Aber	145.83
Morton J. Elrod	145.83
Fred C. Schenck	125.00
Martin Jones	35.00
John F. Davis	150.00
A. L. Hathaway	50.00
Mary A. Craig	30.00
Eloise Knowles	87.50
	$2465.61

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

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HOUSE BILL NO. 116.

An Act Enttled, "An Act Appropriating Money for the Payment of Claim of Charles E. Reel, Account Transportation of Volunteers in 1898."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety-nine ($99.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the claim of said Charles E. Reed, account of transportation of volunteers in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Charles E. Reed for the amount as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

HOUSE BILL NO. 117.

An Act Appropriating Money for the Payment of Claims of Certain Persons, Account Salaries of State Officers and Clerks in the Year 1900.

Be it Enacted by the Legislative Assembly of the State of Montana:—

Section 1. That the sum of One hundred forty-three 04-100 ($143.04) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following named persons for services rendered account of salaries of State Officers and Clerks for the year 1900.

Sol Genzberger	$100.00
Henry G. Rickerts	43.04
	$143.04

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named, and for the

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amounts set down opposite their names as shown in section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 12. 1901.

HOUSE BILL NO. 118.

An Act Entitled, "An Act Appropriating money for the payment of Claim of Oliver T. Crane, Account Marshall of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-nine and 40-100 ($29.40) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, to pay Oliver T. Crane, account expenses Marshall of the Supreme Court in the year 1900.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Oliver T. Crane, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 12th. 1901.

HOUSE BILL NO. 119.

An Act Entitled, "An Act Appropriating Money for the Payment of Claims of Certain Persons and Companies for Services rendered to, and Supplies Furnished for, the State Prison in the Year 1900."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fourteen Hundred eighty-one and 98-100 ($1481.98) Dollars, or so much thereof as, may be necessary, be, and the same is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following

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named persons and companies, for supplies furnished and services rendered to the State Prison, in the year 1900.

E. L. Bonner Co.	$404.01
Conley & McTague	1077.97
	$1481.98

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the persons and companies named, for the amounts set down opposite their names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

HOUSE BILL NO. 120.

An Act Entitled, "An Act Appropriating money for the Payment of Claim of James B. Hawkins, Account Services as Overseer at Reform School in the Year 1900."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of twenty-one and 72-100 ($21.72) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the claim of James B. Hawkins, account services as overseer at the State Reform School in the year 1900.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of said James B. Hawkins for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

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HOUSE BILL NO. 121.

An Act Entitled, An Act Appropriating Money for the Payment of Claims of Certain Persons, Account Per Diem and Mileage, as Presidential Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One hundred and twenty ($120.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons, account per diem and mileage, as presidential electors for the year 1900.

W. W. Morris	$ 34.60
D. G. O'Shea	59.60
Oliver Leiser	25.80
	$120.00

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, and for the amounts set down opposite their names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

HOUSE BILL NO. 123.

An Act Entitled, "An Act Apropriating Money for the Payment of the Claims of Certain Persons Account Extra Clerk Hire in State Offices in the Year 1900.

Be it enacted by the Legislative Assembly of the State of Montana:—

Section 1. That the sum of Four hundred nineteen and 58-100 ($419.58) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treas-

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ury not otherwise appropriated, to pay the following named persons, account extra Clerk hire in State Offices, in the year 1900.

S. A. D. Hahn	$ 22.00
Ed. C. Smith	125.00
Elsie Flynn	120.00
Sol. Genzberger	30.00
A. H. Barret, Assignee of W. W. Walk	25.00
Thos. Cruse Savings Bank, Assignee W. W. Walk	97.58
	$419.58

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th, 1901.

HOUSE BILL NO. 122.

An Act Entitled, An Act Appropriating Money for the Payment of Claim of John F. Smith, Account Reward in the Year 1900.

Be It enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two hundred ($200.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of said John F. Smith, account reward offered by the Governor for the capture of W. G. Wilson, in the year 1900.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said John F. Smith for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12, 1901.

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HOUSE BILL NO. 124.

An Act Entitled, "An Act Appropriating Money for the Payment of the Claims of Certain Persons, Account of Services Rendered and Supplies Furnished to Orphans' Home During the Year 1900."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of twenty-two hundred and fourteen and 35-100 ($2214.35) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the claims of the following named persons, account services rendered to, and supplies furnished for the Orphans' Home during the year 1900.

J. F. Dullea	$ 801.92
Wiley Mountjoy	179.84
Mrs. Wiley Mountjoy	100.00
Jessie Cowan	60.00
Mrs. Agnes Wood	60.00
Jennie TeSelle	60.00
R. R. Tovey	80.00
Mrs. R. R. Tovey	80.00
Dora May	20.00
Avis Dawson	60.00
Mrs. H. L. Willett	80.00
Gertrude M. Willett	60.00
Pearl Goetchius	70.00
Emma Y. Elliott	70.00
Mrs. H. S. Templeton	3.00
Gilbert Sisters	6.60
Reid & Wilcomb	158.84
B. F. Bowman	11.00
Elling & Knight	15.70
C W. & S. M. Burchard	20.00
Amos Eastman	22.00
J. W. Brooks	21.40
P. Carney	31.00
W. M. Oliver	36.00
J. R. Comfort	18.00

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City Commission House	37.45
Brownfield Canty Carpet Co.	24.00
Mrs. S. J. Richmond	16.00
Mrs. Jennie Pidgeon	6.00
Rose & Hoskins	5.60
	$2214.35

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, and for the amounts set down opposite their names in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

HOUSE BILL NO. 126.

An Act Entitled An Act Appropriating Money for the Payment of the Claims of Certain Persons for Expenses Incurred in Transporting Prisoners to the Penitentiary During the Years 1899 and 1900.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of thirteen thousand three hundred and twenty three and 50-100 ($13323.50) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following named persons for expenses, incurred in transporting prisoners to the penitentiary during the years 1899, and 1900

Thos. Clary	$ 2049.30
C. C. Proctor	1247.40
John Gibb	382.50
John Dunn	500.40
W. F. Hubbart	2293.50
George T. Young	772.80
Thos. J. Davidson	617.40
George W. Hubbard	1246.50
W. J. Fransham	166.80

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P. H. Regan	600.60
John Hobbins	208.80
L. Canatser	477.10
D. T. Curran	344.00
O. C. Cato	552.50
William D. Hagen	69.60
James Jobb	267.90
A. E. Aiken	129.80
B. S. Chaffin	174.60
S. C. Small	347.20
T. M. Shaw	640.20
James Summers	42.90
R. J. Moore	74.40
A. T. Kellogg	58.80
G. E. Pool	58.20
	$13323.50

Section 2.—The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named, and for the amounts set down opposite their names as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

HOUSE BILL NO. 127.

An Act Entitled, An Act Making Appropriations for the Payment of the Claims of the Members of the State Board of Charities and Reforms for Their Expenses While Traveling on Official Duty, and Also Making Appropriation for the Payment of Their Expenses During the Years of 1901 and 1902.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eighty-two ($82.00) Dollars be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay and reimburse the members of the State Board of Charities and Reforms for the amount expended by them while travelling upon official duty.

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Section 2. That the sum of One Hundred and fifty ($150.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the travelling expenses of the members of said State Board of Charities and Reforms during the year 1901; and that the sum of One Hundred and fifty ($150.00) Dollars, or so much thereof as may be necessary, be and the same hereby is appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the traveling expenses of the members of said State Board of Charities and Reforms during the year 1902.

Section 3. That the State Auditor is hereby authorized to draw his warrants in favor of the members of said Board, for the said amounts and according to law, as provided herein and the State Treasurer is directed to pay said warrants when so drawn.

Section 4. That this Act shall be in force and effect from and after its passage and approval.

Approved March 12th. 1901.

HOUSE BILL NO. 128.

An Act Entitled, "An Act Appropriating Money for the Payment of the Claims of Certain Persons, Account Salary and Expenses of the Commissioner for the State of Montana to the Trans-Mississippi Exposition, and Exhibits Furnished the State on Account of Such Exposition."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred Thirty-eight and 48-100 ($338.48) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the claims of the following named persons for salary and expenses and exhibits furnished on account of the Trans-Mississippi Exposition at Omaha, in 1898.

A. C. Murphy	$ 15.00
W. H. Sutherlin	323.48
	$338.48

Section 2. The State Auditor is hereby authorized and directed to

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draw his warrants in favor of the persons named, and for the amounts set down opposite their names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 12th. 1901.

HOUSE BILL NO. 131.

An Act Entitled, An Act Appropriating Money for the Payment of the Claims of Certain Persons, Account Requisitions During Years 1899 and 1900.

Be It enacted by the Legislative Assembly of the State of Montana:—

Section 1. That the sum of Two Thousand and seventy-one and 46-100 ($2071.46) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of money in the State Treasury, not otherwise appropriated, to pay the claims of the following named persons, account requisitions in the years 1899, and 1900.

Thomas J. Davidson	$ 684.81
S. C. Small	116.22
John Conley	14.94
Charles McDonald	129.47
Patrick H. Regan	461.35
George T. Young	216.35
A. E. Aiken	330.22
John J. Lavell	118.10
	$2071.46

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, and for the amounts set down opposite their names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

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HOUSE BILL NO. 132.

An Act Entitled, "An Act Appropriating Money for the Payment of the Claim of J. Rummel, Account Repairs on Armory."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred and one and 80-100 ($201.80) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of said J. Rummel, account repairs on Armory, in the year 1900.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said J. Rummel, for the amount stated in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12th. 1901.

HOUSE BILL NO. 138.

An Act to Enable the State Auditor to Purchase Ten Thousand State Maps in Folder Form for Free Distribution.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Auditor of the State of Montana is hereby authorized to cause to be made a map of the State of Montana which shall represent all government surveys so far as they are extended and have been or shall be officially returned to the Surveyor General's Office of this state on or before April 1st. 1901; the location of all reservations, railroads, county boundaries, cities, towns, postoffices and places of public interest; said map shall further show all changes of county lines that may be made by the Seventh Legislative Assembly; also the rivers, creeks, streams, mountains, mountain ranges and valleys of the state, and to be printed in no less than five colors; said map when printed and approved as hereinafter provided shall be known as the official state map of the State of Montana, compiled and published under the direction of the State Auditor's office; said map when completed shall bear the signature of the State Auditor with his

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approval of the same, which shall be published with such maps. Said maps shall be 23 by 33 inches in size and shall be of a scale of not less than twenty miles to the inch and shall be printed or lithographed upon a good quality of paper commonly used for such purposes.

The maps shall be folded and inserted and made fast in a cover four and one-half inches by eight inches in size, the material of said cover to be a heavy, tough paper commonly used for such purposes, to be selected by the State Auditor, and inscribed: Official Map of Montana, 1901.

Section 2. The State Auditor is hereby empowered to enter into a contract with any competent engineer or draftsman to compile the said maps and publish the same at a cost of not more than eight cents per copy delivered to the State Auditor's office, and upon the delivery of the said maps to the State Auditor's office, published according to the conditions herein mentioned, the State Auditor shall draw a warrant on the State Treasurer in payment of the same. Each map shall have thereon a union label.

Section 3. Said maps shall be distributed by the State Auditor as follows: Two copies to the Governor, Secretary of State, Attorney General, State Treasurer, Superintendent of Public Instruction, and one copy to every state officer, including all members of the Seventh Legislative Assembly. Three copies shall be distributed to the State Historical Society, two copies to the Montana Law Library; one copy shall be delivered to the county clerk of each county for the use of the county commissioners of the county; five copies shall be delivered to each state school; and one copy to each district school in the State; the remainder of said maps shall be distributed by the State Auditor as they are applied for, if in the judgment of the State Auditor the applications should be granted.

Section 4. The State shall in no way or manner become liable for the expense of making or publishing said maps except as herein mentioned, and upon the completion of the contract and delivery of the aforesaid ten thousand maps to the state auditor, he is hereby empowered to draw his warrant upon the State Treasurer in not exceeding the sum of eight hundred dollars, in payment for the aforesaid contract for ten thousand folder maps at a cost of not to exceed eight cents per map.

Section 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9th, 1901.

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HOUSE BILL NO. 146.

An Act Entitled, "An Act Authorizing The State Treasurer And The State Auditor Each To Purchase Of The American Arithmometer Company One Burroughs Registering Accountant For Use In Their Respective Offices, And Appropriating Money For That Purpose.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of seven hundred and fifty dollars be and the same hereby is appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the American Arithometer Company for two Burroughs Registering Accountants for use in the offices of the State Treasurer and the State Auditor.

Section 2. That the state auditor is hereby authorized to draw a warrant in favor of said company for the amount hereby appropriated, and the state treasurer is directed to pay the same.

Section 3. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 9th. 1901.

HOUSE BILL NO. 150.

An Act, Entitled An Act Appropriating Money For The Payment Of Claim Of C. C. Willis, Account Sheep Inspection.

Be It Enacted By The Legislative Assembly of the State of Montana:—

Section 1. That the sum of One Hundred and Fifteen ($115.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay C. C. Willis, account expenses and per diem as Sheep Inspector during the year 1897.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said C. C. Willis, for the amount named in Section 1 of this act, and the State Treasurer is directed to pay the same.

Section 3 This act shall be effective from and after its passage and approval.

Approved March 12th. 1901.

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HOUSE BILL NO. 160.

An Act Entitled an Act Appropriating Money for the Payment of the Claims of Certain Persons and Companies Account Orphan's Home Heating Plant in 1899 and 1900.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one thousand six hundred and eighty-two dollars and eighty-six cents, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claims of the following named persons and companies for the amounts set opposite their names, account labor and material furnished in repairing the heating plant in the state orphans' home at Twin Bridges, Montana, during 1899 and 1900, to-wit:—

George O. Stolebarger, ...	$ 790.63
Adams Heating & Plumbing Company, ...	567.23
D. A. Steele, ...	75.00
C. S. Haire, ...	250.00
	$1682.86

Section 2. The state auditor is hereby authorized to draw his warrants in favor of the persons and companies named and for the amounts set down opposite their names in section one of this Act, and the state treasurer is directed to pay the same.

Section 3. That this Act shall be in force and effect from and after its passage and approval.

Approved March 12th. 1901.

HOUSE BILL NO. 161.

An Act Entitled An Act Making Appropriation For The Payment Of The Claims Of The Members Of The State Board Of Charities And Reforms For Traveling Expenses During The Year 1900.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty-six dollars and eighty-five cents, or so much thereof as may be necessary, be and the [same] hereby is

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appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claims of the following named members of the state board of charities and reforms for traveling expenses incurred by them during the year of 1900, to-wit:

Walter M. Jordon $25.50
W. M. van Orsdel $21.35

Section 2. That the state auditor is hereby authorized and directed to draw his warrants in favor of the persons named and for the amounts set down opposite their names, as shown in section one of this Act, and the state treasurer is directed to pay the same.

Section 3. That this Act shall be in force and effect from and after its passage and approval.

Approved March 12th. 1901.

HOUSE BILL NO. 173.

An Act To Pay Employees Of The Senate and House, As Provided In Section 209, Part III, Title I, Chapter II, Article IV, And As Provided For In Section 2230, Part III, Title I, Chapter II, Article V, Of The Political Code Of The State Of Montana.

Be It Enacted By The Legislative Assembly Of The State Of Montana:

Section 1. That the sum of one hundred dollars ($100.00) be, and the same is hereby appropriated to pay, in accordance with section 209, Part III, Title I, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana, as follows, to-wit:

C. A. Whipple, Secretary of the Senate.....$ 50.00
Rodger E. Skelly Chief Clerk of the House.. 50.00

Total $100.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said C. A. Whipple and Roger E. Skelly for the sum of fifty dollars respectively, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 12th. 1901.

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HOUSE BILL NO. 190.

An act entitled an act appropriating money to pay the mileage traveled by the members of the House Special Committee to investigate the Insane Asylum at Warm Springs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety-Nine dollars, or so much thereof as may be necessary, be and the same hereby is appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the following named persons the mileage earned by them as members of the House Special Committee in going to and returning from the investigation of the Insane Asylum at Warm Springs, to-wit:

J. H. Urquhart, 198 miles, ...$19.80.
David E. Metlen, 198 miles, ...$19.80.
John Bielenberg, 198 miles, ...$19.80.
C. D. Newberry, 198 miles, ...$19.80.
Joseph Meunier, 198 miles, ...$19.80.

Section 2. That the Auditor be and hereby is authorized to draw his warrants for said amounts and in the favor of the persons named and the Treasurer is authorized to pay the same.

Section 3. That this act shall be in full force and effect from and after its passage and approval.

Approved March 12th. 1901.

HOUSE BILL NO. 55.

AN ACT providing for the submission to the qualified electors of the State of Montana of an amendment to Section 4 of Article XVI, of the Constitution, relating to County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified electors of the State of Montana at the next general election to be held in said State, the following amendment to Section 4, of Article XVI of the Constitution, relating to County Commissioners.

That Section 4 of Article XVI of the Constitution of the State of Montana, be amended so as to read as follows:

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"Section 4. In each county there shall be elected three County Commissioners, whose term of office shall be six years; provided, that the term of office of those elected on November 6th, 1900, shall expire on the first Monday in January, 1907; provided further, that at the general election to be held in November, 1902, (in counties where commissioners are to be elected that year), three commissioners shall be elected whose terms shall expire on the first Monday in January, 1907; provided further, that at the general election to be held in November, 1906, one commissioner shall be elected for a term of two years, one commissioner shall be elected for a term of four years, and one commissioner shall be elected for a term of six years, whose term of office shall commence on the said first Monday of January, 1907; and provided further, that at each general election thereafter commencing with the general election to be held in November, 1908, one commissioner shall be elected for a term of six years. A vacancy in the Board of County Commissioners shall be filled by appointment by the Judge of the Judicial District in which the vacancy occurs."

Section 2. The vote upon this amendment shall be counted and canvassed by such officials and in such manner as is provided by law for the counting and canvassing of the votes for Member of Congress, and if a majority of all votes cast at said election for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as a part of the Constitution from and after the date of said proclamation.

Section 3. The official ballots to be used at the next general election to be held in this State shall have printed thereon the following words in such manner as to allow every elector an opportunity to indicate thereon by proper marks, his preference to-wit: "For the amendment to the Constitution relating to County Commissioners," and "Against the amendment to the Constitution relating to County Commissioners."

Approved Feby 26th. 1901.

SENATE JOINT MEMORIAL NO. 1.

To the Honorable The Senate and House of Representatives of the United States in Congress Assembled:

Whereas: Certain laws have been proposed in the past looking to the leasing of the public ranges; and

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Whereas, Agitation of the subject still claims the attention of the people in the west, therefore be it, Resolved: That we, your memorialists, the Seventh Legislative Assembly of the State of Montana, earnestly protest against the enactment of any measure providing for the leasing of public ranges, believing it to be a menace to the public welfare, and we pray and petition the Congress of the United States to protect the rights of the people to enter and use the public domain for legitimate purposes to the exclusion of none, and it is further—Resolved: That the Secretary of State of Montana be and he is hereby ordered to furnish a copy of this memorial to each of our Senators and Representative elect in Congress.

Approved Feby 25th. 1901.

SENATE JOINT MEMORIAL NO. 2.

The Honorable Senate and the House of Representatives of the United States in Congress Assembled:

We, your Memorialists, the Seventh Legislative Assembly of the State of Montana, respectfully represent:

1. That on October 15, 1892, by proclamation of the President of the United States, a portion of the then Crow Indian Reservation was thrown open to settlement.

2. That there was excepted and reserved in the said proclamation certain considerable and choice tracts from which any member of said tribe of Crow Indians was permitted to select a one-quarter section of land, to be then allotted by the Government to the said Indian in severality.

3. That a considerable number of segregated and isolated tracts of said lands so excepted by proclamation of the President still remain unselected by and unallotted to any Indians.

4. That said segregated and isolated remaining unselected and unallotted tracts are surrounded by improved ranches and farms artificially irrigated and in a high state of productive cultivation, and are themselves choice agricultural lands greatly desired by settlers, who would irrigate, cultivate and improve same if permitted so to do, settling upon them under the provision of the United States homestead laws.

Wherefore, Your Memorialists earnestly pray and urge your honora-

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ble Bodies for the necessary action and legislation to procure this anomalous condition of said tracts, and speedily open the same up for the settlement of our citizens.

Approved Feby 26th. 1901.

HOUSE JOINT MEMORIAL NO. I.

To the Honorable the House of Representatives and the Senate of the United States in Congress assembled:

Whereas, there now reside in the northwest corner of the Lewis and Clarke Forest Reserve of the State of Montana, at least twelve bona fide settlers, holding 160 acres of land each, and that said settlers located upon said land prior to the time that the land comprising said reserve was set apart as a forest reserve, and,

Whereas, Great injury, and loss of time and money in improving said land will accrue to said settlers unless they receive proper relief, and,

Whereas, Said land so settled upon by said persons as aforesaid is more valuable for agriculture and fruit raising than for any other purpose and that said land is of no value save and except for agriculture and fruit raising, therefore be it,

Resolved, That we, your memorialists, of the Seventh Legislative Assembly of the State of Montana do earnestly pray and petition the congress of the United States that you do cause to be surveyed and set apart from said Lewis and Clarke forest reserve and open for settlement a portion of said reserve which, when so surveyed and set apart, will constitute fractional township 25 north of range 19 west of Montana meridian.

Resolved, That our senators and representatives at Washington, D. C., are hereby instructed to use all proper means to accomplish the desired legislation, and be it further,

Resolved, That the secretary of state of Montana be, and is hereby instructed to send a copy of this joint memorial to our senators and representatives at Washington, D. C.

Approved March 5th. 1901.

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JOINT CONCURRENT RESOLUTION NO. 2.

Resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

Whereas, a large number of State Legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote;

And, Whereas; the National House of Representatives has, on four separate occasions, within recent years, adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate;

And, Whereas, Article V of the Constitution of the United States provides that Congress, on the application of legislatures of two-thirds of the several States, shall call a convention for proposed amendments,

And believing there is a general desire upon the part of the citizens of the State of Montana that the United States Senators should be elected by a direct vote of the people,

Therefore be it Resolved (if the Senate concur), that the legislature of the State of Montana favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the House of Representatives.

Approved Feby 21st. 1901.

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HOUSE JOINT MEMORIAL NO. 3.

To the Honorable the Senate and the House of Representatives of the United States in Congress assembled:

Whereas, There are now settled upon a portion of the Lewis and Clarke forest reserve in the State of Montana, and within the limits of Teton County, eighteen bona fide settlers who settled in said county and upon the lands now forming a part of the said forest reserve prior to the time said lands were segregated from the public domain and formed into said forest reserve, and ever since said time and now are residing upon said lands; that they have made substantial improvements upon said lands and the same constitute their only home and place of abode; that by reason of the fact that the said lands were so segregated and placed in said reserve said settlers are unable to obtain title to said lands, and

Whereas, Said lands so setttled upon by said settlers is [are] grazing land, no part of which is covered by timber; that said settlers reside upon what would be known, if surveyed, as townships 22, 23, 24, 25, 26, 27, 28 and 29 N, R 9 W of Montana Meridian; that all of said lands contained in said townships is [are] devoid of timber, save and except a scrubby growth in a few and exceptional places on said lands, and is only fit and suitable for stock grazing.

Therefore be it resolved, That we, your memorialists, the Seventh Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States to cause such lands to be surveyed and thrown open to settlement and become a part of the public domain, subject to entry under the general land laws, and to enact such legislation as will result at an early period in bringing about and effecting the result herein contained and indicated.

Resolved, That our senators and representative at Washington are hereby instructed to use all honorable means to accomplish the desired legislation, and be it further

Resolved, That the Secretary of State of the State of Montana be, and he is hereby instructed to send a copy of this joint memorial to our senators and representative at Washington, D. C.

Approved March 5th, 1901.

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HOUSE JOINT RESOLUTION NO. 6.

Be it Resolved by the House of the 7th Legislative Assembly, the Senate concurring, that the Governor of the State of Montana be, and he is hereby authorized and directed to appoint a commission of five (5) suitable persons within (30) Thirty days after the passage and approval of this Resolution, and that said commissioners so appointed shall have power to examine into and report upon the feasability and advisability of adopting the system of land transfers known as the Torrens system, as embodied in House Bill No. 41, of the House of the 6th Legislative Assembly, introduced by Hedges, and in Senate Bill No 27, of the Sixth Legislative Assembly, introduced by Anderson.

Be it further Resolved that said commission so appointed by the Governor shall serve without compensation, and shall report to the next Legislative Assembly on or before the first day of the session thereof, the advisability of adopting the said proposed system of land transfers as said commissioners deem the principles of land transfers proposed in said Bills to be advisable.

Approved March 9th. 1901.

HOUSE JOINT CONCURRENT RESOLUTION NO. 7.

Resolution Instructing The State Board Of Education To Investigate the Advisability of a Consolidation of the Educational Institutions of Montana, and Report the Result of their Investigation to the Eighth Legislative Assembly.

Whereas, under the present methods of conducting and maintaining the several educational institutions of the State of Montana at separate locations, great and unnecessary expense is entailed upon the people of the State; and,

Whereas, said institutions could be more economically maintained if consolidated at one or more points and many thousands of dollars be saved to the people of Montana:

Therefore, Be It Resolved, (the Senate concurring), that the Montana State Board of Education be requested, authorized and instructed to investigate the advisability of a consolidation of the several educational institutions of the State, so far as is practicable, and if said

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State Board of Education find that such consolidation is advisable, to devise plans for such consolidation and report to the Eighth Legislative Assembly of Montana the result of their investigations, together with such recommendations as they shall see fit looking to a consolidation of said educational institutions.

Approved March 16th. 1901.

HOUSE JOINT MEMORIAL NO. 8.

Prohibiting And Regulating Chinese And Japanese Emmigration.

To The Honorable, The Senate and House of Representatives, of the United States in Congress Assembled:

Your memorialist, the Legislative Assembly of the State of Montana, would most respectfully, but urgently ask for the passage of a law, extending all laws now in force, prohibiting and regulating the coming to this country of Chinese persons and persons of Chinese descent and more especially the Act of Congress of May 5th, 1892, for a further period of ten years from the expiration of the same on May 5th, 1902. And your memorialist would ask further, that such laws be extended to include Japanese laborers and those of Japanese descent; and the Secretary of State is hereby requested to forward a copy of this memorial to our Senators and Representatives in Congress.

Approved March 9th. 1901.

In compliance with Sec. 2,264 of the Code of Civil Procedure I herewith make return and report the following change of name during year ending Dec. 31, 1900: Name of Carl J. Ljungberg was changed to Carl J. Young by order and decree of Court made on the 18th day of July, 1900. His residence is unknown.

Respectfully,

FINLAY McRAE

Clerk of the District Court.

Helena, Montana, Jan'y. 9, 1901.

Note. In compliance with the Section mentioned in the above communication, this order of the Court of the Sixth Judicial District of the State of Montana is published with the Session Laws of the Seventh Legislative Assembly.

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